United Nations A/HRC/38/NGO/3

General Assembly

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Human Rights Council
Thirty-eighth session
18 June-6 July 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the First Modern Agro. Tools - Common Initiative Group (FI.MO.AT.C.I.G), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[08 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-08856(E)
1808856

Please recycle

Consequences of the enforced disappearances of the interim government of West Cameroon

At least nine leaders of the interim government of SCACUF-a movement for the restoration of the independence of southern Cameroon have disappeared.
A newspape: reported that they were abducted in Nigeria by "un commando Camerounaise infiltre au Nigeria", another newspaper source says that they were abducted by the Nigerian State Security Service (SSS).
According to the newspapers they were abducted on Friday the 5th of January 2018 by the SSS. It says that the SSS went with guns and ammunitions to the hotel when they took them away.
They were about to hold a meeting at NERA hotel Ekwuema, road, Nigeria.
Some of those abducted include:

-Mr. Sisiku Ayuk Tabe
-Dr. Nfor Ngala Nfor
-Dr.Fidelis Nde Che
-Dr.Henry Kimen
-Prof. Augustine Awasum
-Dr. Cornelius Kwanga
-Dr. Cornelius Kwanga
-Mr. Tassang Wilfred
-Dr. Ogork Ntui
-Barrister Elias Eyambe
-Barister Shufai Blaise Berinyuy

Ever since the Cameroonian government's spokesman Minister Issa Tchiroma on the 29th of January 2018 confirmed that these activists abducted in Nigeria were extradite to Cameroon.
But neither the Cameroonian government nor the Nigerian government has been able to present these activists to the public since their abduction, nor accept anyone to visit them in their prison cells, including their wives, husbands, children, friends, other family members, lawyers and the UN human right commissions.

Amnesty International had earlier warned that extradition of these activists to Cameroon could lead to torture.
All the family members of the disappeared confirm that they do not know the whereabouts of all those who have disappeared.
They all agree with the public view that all those abducted may have been murdered or are still in Nigeria or in Cameroon.
Public opinion further holds that it could make some sense if the government can explain to both National and International community why she is keeping the activists in secret despite claiming they have been handed over to the judiciary for interrogations.
As a matter of fact I cannot jump into conclusions to say the activists are actually arbitrarily detained in Cameroon. I have a mixed feeling too: they may not be alive or are still in Nigeria if not in prison in Cameroon.
There have been a lot of kidnappings of government officials, tensions, killings and fighting between government forces and the so-called Ambazonian Defense forces with the characteristics of war in the Anglophone regions of Cameroon. This is in response to the disappearance of the Ambazonian leaders.
It is important to note that before the disappearance of these separatists other activists such as Mancho Bibixy- the coffin revolutionist and Penn Terence with 46 others were arbitrarily detained in Yaoundé central prison in connection with these crises.
Penn Terence, a teacher by profession has been sentenced to a 12-year jail term with a fine of 5millions francs by the Yaoundé military tribunal on Tuesday April 10, 2018.
Penn Terrence made statements in court which have been described by journalists as "daring and tear provoking". He said "the abduction, incarceration, and trial that I have been subjected to before this court is political and challenges the foundational basis of this country-Cameroon". Trial of civilians by military tribunals, he said "contravenes the right to a

fair trial by a competent, independent and impartial court". This also violates all his rights as guaranteed by the universal declaration of human rights.

Penn Terence is neither a member of the army nor possesses any military weapons. He questioned the court" how do you explain the fact that throughout trial this court has shamelessly acted as prosecutor and judge at the same time?" He said I am neither a terrorist nor a secessionist but the political nature of the trial makes it possible for the court to slam the guilty verdict on me.

He told the judge no tribunal including the one on which you preside can solve the Anglophone problem in this country because it is political. He lectured 'the so called Anglophone problem is specific; it has nothing to do with developmental problems plaguing Cameroon as a whole. It is about the lack of institutional protections for the English-Speaking minority, the cultural assimilation of a people and her identity. It is about the ongoing cultural genocide against the English speaking minority". I would like to add that these crises also have roots in the bad decentralization governance of a 36-year old, sit-tight government. Furthermore the Anglophone problem is not just a linguistic minority problem; it has roots in the form of the country with unilateral changes of referral decisions regarding the form of the country at the detriment of the Anglophones.

Government officials have shown discrimination and marginalization of Anglophones in Cameroon. Government officials have likened the union between Anglophones and Francophones in Cameroon to a cube of sugar that is dropped in a basin of water, which melted and disappeared in water. Anglophones are the cube of sugar. A minister also ones said an Anglophone cannot be a president in Cameroon.

A government that has deliberately chosen to use the gun and violence on its people instead of inclusive dialogue and ignored recommendations for inclusive dialogue made by the commonwealth and the United Nations is no longer fit to remain in office.

I would like to cease this opportunity to say that there are thousands of Cameroonian refugees living in Nigeria in concentration camps without sufficient food; many have fled from their homes in villages and towns of fighting between government forces and the Ambazonian Defense forces. Some live in wild life bushes, meanwhile the military has burnt down homes and destroyed both cash and food crops right in the farms. Many public places including markets and schools are burnt down on a daily basis in Cameroon. Threats keep coming on a daily basis from the Ambazonian defence forces through the social media and the dropping of tracks warning civilians to quit their target places such as FAKO and BAMENDA. People live in fear.

The 36-old government should start by releasing all those incarcerated in relation with the Anglophone crises in Cameroon. It should present to the public the Ambazonian leaders she claims are in her keeping. Next the government should call for inclusive dialogue with all stakeholders involved in these crises, including government officials, civil society organizations and others.

The centralization of power and functions of a unitary state, rule by a dictatorial government is very unacceptable.

In as much as many have proposed several solutions to the Anglophone problem and centralization of power in Cameroon, the best solution remains that President Paul Biya should step down. He should be removed if he refuses to step down. Complete decentralization, federation and separation are other solutions proposed by other movements in the Country.

The gradual elimination of the English culture by the government in the Anglophone regions of Cameroon is both a problem itself and an evidence of the marginalization of Anglophones in Cameroon.

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Human Rights Council
Thirty-eighth session
18 June- 6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-08858(E)
1808858

Please recycle

Maat Written Statement on Right to health in the context of SDGs 2030

Written Statement Provided for: **Sustainable Goal 3 - Ensure healthy lives and promote well-being for all at all ages.**

Preamble

Sustainable Development is a set of 17 goals and 169 targets developed by the United Nations related to the future of global development in accordance with the General Assembly Resolution of 25 September 2015. These goals entered into force in January 2016. The overall goals of sustainable development are the eradication poverty and hunger, Good health and quality education as well as gender equality. Through the goals of sustainable development, the United Nations and its states parties are seeking to take the necessary action to promote prosperity and to protect the planet. The right to health as one of the goals of sustainable development is to ensure the healthy life and well-being of all without discrimination, for all individuals within a state or among nations 1.

The general framework of the right to health as a goal of sustainable development

The right to health is one of the most important human rights that every individual must enjoy without discrimination on any basis and linked to the right to health with a number of other rights, such as the right to adequate housing, access to safe drinking water, the right to food, the right to education, life, non-discrimination and the prohibition of torture. Many regional and international conventions and treaties and national constitutions have recognized the right to health as a fundamental human right; such as the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979) and the Convention on the Rights of the Child (1989).

Through the follow-up to the right to health as one of the basic human rights associated with the sustainable Development Goals 2030, the reports of the High Commissioner for Human Rights and those of the Special Rapporteur on the right to physical and mental health pointed out that there was a fundamental difference between human rights and sustainable development goals 2030 while the sustainable development goals are political commitments, the right to health leads to the arrangement of legal obligations for States to realize the right to health, and this difference has set a number of challenges to the right to health.

It can be said that the goals and objectives of sustainable development are integral and indivisible, and the economic, social and environmental dimensions of the three must be balanced and pursued to achieve gender equality.

However, a challenge to the right to health as one of the goals of sustainable development is that enjoyment of the right to the highest attainable standard of physical health and mentality for the peoples of most of the world and some groups such as women, children and girls is an elusive goal with the proliferation of armed conflicts and wars Capacity in many countries. Discrimination, stigmatization and widespread prejudices, particularly against persons with a mental illness or with mental disabilities, have been reported by some institutions of some states, making it difficult for them to receive appropriate treatment.

In addition, poor funding and investment in the health sector adversely affects the quality of the health services provided and leads to a disproportionate population of access to services health and other related services related to the right to health, such as access to clean drinking water, adequate housing and others. Widespread poverty and marginalization greatly hamper the participation of broad populations in decisions regarding their health and development, leading to increased discrimination.

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1 Sustainable Development Goals: 17 Targets to transform our world, United Nations.
https://www.un.org/sustainabledevelopment/ar/wp -content/uploads/sites/2/2015/12/SDG.Overview.pdf

Developments related to the right to health in the Arab region

There is a disparity in health conditions in the Arab region, according to the rates of wealth and poverty of states, and in general health policies in the region cannot be qualified that it is optimal, and it seems remarkable that what is being spent by some Arab countries on fuelling war and supporting extremist groups and armed militias in the countries other in the region could promote health rights in Arab countries if redirected to assistance and technical support in the health sector, rather than supporting subversive groups under false political claims.

However, there are attempts by a number of countries to bring about a structural change in the health sectors through the amendment of laws and legislation. Efforts in Egypt may be an example. The health sector in Egypt has witnessed many developments. The Egyptian government has listed health as one of the most important axes of its vision for Sustainable Development Agenda 2030.

In order to achieve the goal of health as one of the most important axes of its vision for sustainable development 2030, the Egyptian government issued the Comprehensive Health Insurance Law No. 2 of 2018, which includes many advantages that constitute an important development in the field of health, including: Health insurance is mandatory and avoids the flaws of existing laws and the current insurance system. The law will apply to all citizens of all age groups throughout the Republic. In accordance with the law, the Authority is also entitled to provide its medical services to foreigners residing in Egypt. In addition, the State is obliged to progressively upgrade the quality and efficiency of its health facilities before its introduction to the system and its continuation in the governorates to be started and the need for such facilities to obtain accreditation. The Comprehensive Health Insurance Act has the advantage of covering all diseases. The therapeutic service is provided immediately where it is sufficient for the citizen to just acquire the national number in order to be served. High quality health services are also provided. It is a social system of solidarity and includes informal groups while ensuring that special health care is provided to those who are unable to do so and the state incurs the burdens of those who can't afford. Coverage of all citizens under the Inclusive health insurance is ensured through the extension of the health-care to all levels of population. In addition to abolishing the idea of treatment at state expense and transferring its funds to health insurance, the citizen will be entitled under the new law to receive medical service immediately without waiting for a turn.

However, we believe that this system is necessary to speed up its implementation, as it is planned to be applied throughout the Egyptian Republic within 15 years, which is a relatively long period. It is important that the international community support Egypt in providing the necessary resources to accelerate the implementation of the new system during the time range is not more than 5-7 years.

A good example is the promotion of the right to health is in the United Arab Emirates, where we have witnessed good developments in the on 2017; the opening of new hospitals, clinics, specialized centres and expansion of medical services provided, especially mental health services. The use of a medical robot in complex surgeries and binoculars or smart pharmacies and applying smart patient rooms. The Launch of the project "Genome" to diagnose the child immediately after birth to detect any genetic diseases in early stage and the implementation of the first Proton cancer treatment centre in the Middle East and Gulf region. This technique will give patients new hope in recovery, especially as it has proved a great success in the treatment of tumours.

Recommendations

- Promote international solidarity and call for rich states to provide the necessary support and funding to promote the right to health in low-income states.
- Reliable partnerships must be operationalized between policymakers responsible for the health sector and civil society actors, including non-governmental, academic and professional circles, which are one of the cornerstones of effective health systems and thus serve as a guarantee of the full realization of right to health and related rights as one of the main objectives of sustainable development.
- The need for an effective system of international accountability on the implementation of states obligations to implement the right to health of SDGs 2030.
- The Special Rapporteur on health should periodically follow up the states' implementation of Sustainable Goal 3 and the actual achievement of the right-to-health goals and identify best practices to overcome the obstacles and challenges faced.
- Sustainable financing of investment in health infrastructure, particularly in the area of research and development of new medicines and tools and assistance to UN member states, particularly developing

countries, in their endeavors to ensure that their people have access to quality health services and medicines through existing international legal mechanisms.

- Ensuring sustainable financing of health security application in the political agenda at the national and international levels.
- Encourage states to enact laws, promote policies and practices that eliminate all forms of discrimination in medical services.
- Integrate the community participation of the population, non-governmental organizations into the indicators through which progress in achieving and implementing goal 3 can be measured.

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Human Rights Council
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Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-08859(E)
1808859

Please recycle

Human Rights Situation in the Democratic Republic of Congo

Human Rights Situation in the Democratic Republic of Congo

Provided on: - Item 10: Situation of human rights in the Democratic Republic of Congo, including in the Kasai regions (HRC res 35/33 and 36/30)

Preface

The Democratic Republic of Congo has witnessed many cases of human rights violations related to mass killings, deteriorating refugee conditions, civil and political rights, as well as the restrictions to freedom of expression and peaceful assembly. Human rights defenders and journalists were harassed and intimidated, and arbitrarily detained.

Deteriorating conditions in Kasai region

In August 2016, violence erupted in the territory following the killing of the leader of a tribal militia, "Kamwina Nsano", in clashes with security forces. The conflict has caused the displacement of more than 1 million people from their homes, with some estimates reaching more than 4 million, as was the case for the recruitment of children for rape and destruction of more than 300 schools, markets, churches, police stations and government buildings [1]. There have also been reports of the killing of around 251 in the area of Camonia, including 62 children, 30 of whom are under 8 years of age by the "Pán Mora" community and the army. Another report indicated that there were at least 80 mass graves in Kasai from March to June 2017 [2].

Freedom of opinion and expression

Restrictions on freedom of expression continued in the Republic of Congo at all levels, with approximately 15 Congolese and foreign journalists subjected to intimidation and harassment and arbitrarily detained for their profession. In a number of cases, their equipment was confiscated or to delete what they had recorded. The Minister of Communications also issued a decree, imposing new rules requiring reporters to obtain a permit from the minister to leave the capital, Kinshasa.

More than 100 people, including 11 Congolese and foreign journalists, were also arrested during demonstrations organized by the "Fight for Change " to pressure the government to set a timeline for elections. The security forces and armed groups targeted human rights defenders and activists; among them were "Alex Tsungo Sekuliako" and "Alphonse Kalamba", were killed in North Kivu province.

The Senate passed a bill calling for greater protection for human rights defenders. However, the draft law provided a mandatory definition of what a human rights defender might be strengthened state control over human rights organizations and threatened to limit their activities. And could lead to the failure to recognize human rights organizations.[3]

Situation of refugees and internally displaced persons

Casted-based violence between TWAS and Luba continued in the provinces of Tanganyika and Upper Katanga. The number of internally displaced persons in Tanganyika has reached 500,000. Between January and September 2017, more than 5,700 Congolese fled to Zambia to escape the conflict. The authorities also continued to close internally displaced persons camps in the vicinity of the town of Kalemie, forcing displaced persons to return to their villages or

1 Millions are at risk of starvation due to conflict in Kasai Democratic Republic of Congo, BBC Arabic, October 29, 2017.
http://www.bbc.com/arabic/world-41794433

2 UN report: shocking testimonies of victims indicate Congolese government complicity in ethnic massacres in Kasai, UN News, 4 August 2017.
https://news.un.org/ar/story/2017/08/280462

3 Annual report 2017, Amnesty International.
https://www.amnesty.org/download/Documents/POL1067002018ARABIC.PDF

even to live in worse conditions. A spokeswoman for the Office of the High Commissioner for Refugees (OHCHR), Ekitini Kiteddy, also said that office received information stating that Angola had deported 530 during the period 25-27 February 2018.[4] Congolese in a coercive manner

Prison conditions

The prisons have witnessed an unprecedented number of escapes throughout the country, with thousands of prisoners fleeing. There was also an attack on the Makala Rehabilitation center in Kinshasa's main prison. The authorities blamed the political group "Bondo Dia Kongur", for the attack that led to the escape of more than 4,000 prisoners. A further 930 prisoners escaped from the "Kangbaye Central Prison" in the city of Bayi, including prisoners holding death penalties in the Beni territory. Hundreds of other detainees escaped from prisons and police detention centers in Bandundu-Ville, Kasangolo, Kalemi, Matit, Walikale, Dungu, Bukavu, Kabinda, Uvira, Bunia, Muyinga and Pweto.

Prison conditions were also overcrowded, conditions of detention remained dire, with inadequate food and drinking water and lack of health care. Dozens of prisoners have died from starvation and diseases.

Absence of fair trial and accountability

In July 2017, seven soldiers were sentenced to one year in prison and life imprisonment in connection with extrajudicial executions in Mwanza-Lumba. The sentences followed a trial in which the victims were not identified or their relatives weren't given the opportunity to testify before the court or to allow them to petition Reparation. Zayed Catalan (Swedish) and Michael Sharp (US), members of the UN Security Council working group on general issues of sanctions on the Democratic Republic of the Congo, were also executed and around 22 people were killed in Beni territory. More than 100 were kidnapped have taken place in Goma that armed groups continued to murder and rape in North and South Kivor and Ituri, and the armed conflict between the Hutus and Nandis in North Kivur led to displacement and destruction, particularly in the areas of Rutshuru and Lubero. [5]

Outbreak of deadly epidemics

Cholera outbreak in the Democratic Republic of Congo, the disease claimed 528 lives and reached "alarming estimates". The United Nations has declared cholera as a serious public health problem, with millions of suspected cases recorded every year, and the disease claimed 817 lives last year, according to the World Health Organization (WHO). "The epidemic has reached t 20 of the country's 26 provinces," [6] the organization stated. The World Health Organization (WHO) also announced the outbreak of the Ebola virus in the north of the country. Three people have died since the outbreak of the disease in the Lekati area in the north of the Democratic Republic of Congo. [7]

Rights of Child

It is estimated that 2000 children have been used by militias in the affected area and that since the onset of the crisis in Kasai, at least 300 children have been injured seriously in the violence, and more than 4,000 children had been separated from their families, and UNICEF had warned that the 6 million total number of children in; Lim Kasai all are at great risk, unless the situation improves rapidly [8].

Recommendations

4UN report: shocking testimonies of victims indicate Congolese government complicity in ethnic massacres in Kasai, UN News, op. Cit.

5 Annual Report 2017, Amnesty International, op. Cit.

According to the World Health Conference, for more details on the following link: 6
https://goo.gl/HeDVjb
According to a World Health Organization (WHO) press conference, for more details, the following link can be 7 found:
https://news.un.org/ar/story/2017/05/276512
According to the United Nations news website, the article can be read in full on the link:8
https://news.un.org/ar/story/2017/04/275112

Maat for Peace, Development and Human Rights Association recommends the following in regard to human rights situation in the Democratic Republic of Congo:

- To work in every way to stop the violence in Kasai province, through the intervention of regional and international organizations such as the African Union and the United Nations, and to find a peaceful settlement to the conflict in the territory. Comprehensive investigations shall also be carried out against all those responsible for the murders and mass graves committed against Congolese civilians.

- The opening of civil and political space for jurists and opponents and the cessation of security prosecutions. Principles of freedom of assembly and peaceful demonstrations shall be applied. To omit any legislation aimed at restricting the work of human rights defenders, the state's control over legal organizations and the curtailment of its activities.

- The settlement of any form of casted-based violence between ethnic groups and the rejection of any ethnic disagreement that may affect the situations of the internal groups and cause controversy between them.

- Settlement of refugee situations with neighbouring States, whether legal settlement; particularly with the Angolan State; humanitarian assistance in cooperation with the agencies of the Red Cross, UNICEF and FAO.

- Working to improve prison conditions in terms of human rights, which serves as a means of reform and rehabilitation rather than of creating violent cells. A comprehensive security plan must be developed to secure those prisons, where frequent escapes have increased in recent periods.

- Open an extensive investigation into the executions of foreign nationals and Experts working group of the Security council. Emphasis is also placed on accountability in the spread of killings, abductions and rapes throughout the country, in particular in the Kasai, the provinces of Kasaï, Goma, Kivu and Ituri.

- Work to address rapidly deployable diseases and epidemics such as cholera and Ebola in the various regions of the Congo, and to fully coordinate with the World Health Organization, UNICEF and the Red Cross.

- Action to stop the exploitation of children by armed militias and to avoid any acts of violence. The promotion of a healthy environment for children, especially in conflict areas and areas of displacement and asylum.

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18 June-6 July 2018
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1808863

Please recycle

Human rights situation of Rohingya people

Introduction

Since 2012, Myanmar authorities have been waging a campaign of casted-based violence against the Rohingya minority, a predominantly Muslim ethnic group of 1.1 million people--according to UN estimates, most of them live in the state of Arcan, western Myanmar, on the border with Bangladesh, and they lived in Myanmar for generations, however, the Government of Myanmar insists that all Rohingyas are illegal immigrants from Bangladesh and refuses to recognize them as nationals, most of whom are stateless.

Ethnic cleansing against Rohingya Muslims

The crimes committed by the Myanmar Army and other armed groups of extremists under the consideration of state bodies proves to be ethnic cleansing. Last year, these repressive and punitive measures by the authorities against the Muslim minority have escalated since August 2017, the security forces have been conducting a systematic campaign of violence against the Rohingya minority in Arakan State, with the help of ethnic Rakhine militias, such campaign killed an unspecified number of Rohingya women, men and children, and torture and ill-treatment of Rohingya women and girls, including rape and exposing them to other forms of sexual violence, they laid landmines and systematically burned hundreds of Rohingya villages, according to the applicable information, there are approximately 350 villages that have been fully or partially destroyed, while the authorities of Myanmar do not cooperate with international human rights organizations or UN mechanisms to end these massacres and appalling human rights violations.
Certainly, the numbers reported or published on media are far less than the real number, as many rape victims are forced not to report for fear of widespread societal influence on them.

The displacement and asylum

More than 688,000 refugees from Myanmar fled to Bangladesh in search of safe havens as a result of the continuous violence by security forces against the Muslim population Rohingya in Arakan state, and more than 120,000 people, mostly Rohingyas, have been living in camps for displaced persons in unbearable condition in Rakhine 1 state, where they have been stuck for six years, following the violence in 2012, as well as the temporary displacement of around 30,000 people to other areas in the state of Arkan, the Army forcibly evicted the Rohingya people from their land and built new military bases to haven army and police officers on the land to ensure that villagers had no choice but to flee to Bangladesh 2 .

The Bangladeshi Foreign Minister stated earlier that the Myanmar government had shown interest in repatriating Rohingya refugees following a meeting between officials from both countries. Maat for Peace, Development and Human Rights Association expresses its concern that the Rohingya refugees would be forced to return, without the minimum level of protection, which puts them at risk of serious violations of human rights. The forcible reparation of refugees that constitutes a violation of the principle of "non-refoulement", a principle of customary and international law that prohibits the return of persons to areas where they may face a life or other grave human rights violation.
The authorities in Myanmar have stated that all repatriated refugees will have to undergo a "verification" process and may be required to provide proof of their nationality or residence in Myanmar 3 .

Grande: Restoration of rights is essential to the return of Rohinga refugees, UNHCR, United Nations, February 13, 2018.
Https://bit.ly/2rnfAKO
Myanmar: Army seizes land as security forces build military bases on the ruins of the burnt Rohingya villages, .Amnesty International, March 12, 2018
Https://www.amnesty.org/ar/latest/news/2018/03/myanmar-military-land-grab-as-security-forces-build-bases-on-/torched-rohingya-villages
Refugees from Rohingya should not be forced to return to their homes where violations and discrimination, Amnesty International, October 4, 2017.
https://www.amnesty.org/ar/latest/news/2017/10/myanmar-bangladesh-rohingya-refugees-must-not-be-forced-home-/to-abuses-and-discrimination

Do not allow humanitarian assistance

The severe restrictions imposed by the Myanmar authorities on access to humanitarian assistance continued, with humanitarian organizations being requested to follow complex procedures for a permit to provide services to vulnerable communities, placing hundreds of thousands of people under threat. In the northern state of Aragua, the authorities fully suspended access to aid, following attacks by the Rohingya rescue army in Arakan "in August 2017, the authorities subsequently allowed the Red Cross and the World Food Programme (WFP) to work in the area, but aid access was limited, and insufficient to meet the needs.

In other parts of Arakan, aid delivery has been further disrupted by local tensions towards international aid societies, and the authorities have imposed further restrictions on access to displaced populations in northern Myanmar, in particular, in areas not under the control the government. In February, the Myanmar Army obstructed the delivery of 200 units of "medical aids", sealed with the UN stamp — which included basic medical equipment – for displaced women and girls in areas under the control of the Kachin 4 Independence Organization.

It should be noted that the Burmese Government has repeatedly stated not grant entry permission to members of the United Nations Mission of fact-finding, established by the United Nations Human Rights Council in March 2017. In December 2017, the UN General Assembly issued a resolution urging Burma to give full access to international missions it is unrestricted and unmonitored, and the government has also prevented independent journalists and human rights monitors from reaching the affected areas in Rakhine state. It continued to impose severe restrictions on access to humanitarian agencies, compounding the dire humanitarian conditions facing internally displaced persons and other residents.

Deprivation of nationality

The Myanmar authorities use discriminatory laws and practices against Rohingyas, in particular the 1982 nationality Act, which has effectively deprived Rohingya of nationality on the basis of their ethnicity, as well as illegal procedures and practices that place obstacles in the way of birth registration.

Restriction of freedom of movement

Rohingya live in the state of Arkan, isolated from the outside world and face severe restrictions on their freedom of movement that restricts them in their villages and towns, and is being applied these restrictions are through a complex network of national laws, local orders, and policies implemented by state officials that demonstrate a racial conduct.
Official laws show that Rohingya must undergo a complex system to obtain the necessary licenses if they want to move across the towns, the northern states of Arkan, where most of the Rohingya lived before the recent mass immigration, where authorities recently embodied arbitrary restrictions to movement among villages. While in some areas of the center of Arakan, travel was possible only through waterways.

In September 2017, the Kayin state authorities issued an order to bring all Muslims in the state before the local authorities before traveling, and although the chief minister of the state of Kayin later reported that it was an administrative error, some human rights reports indicated that restrictions on travel are still imposed so far.

Freedom of religion and belief

There was a sharp rise in religious intolerance and anti-Muslim sentiment, following the attacks in the state of Arakan last August. The Government has further aggravated the situation by allowing and directly contributing to hate speech, thereby inciting discrimination and violence both in print media and on the Internet. The state media published derogatory anti-Rohingya articles; Government officials also published inflammatory posts on social media.
In April 2017, a group of 50 to 100 Buddhist extremists pressured local officials and police in Thakita town of Rangoon to close two Islamic schools. The authorities implemented the group's request and did not reopen the schools. Hundreds

4 Annual Report 2017, Amnesty International, op. Cit.

of students were denied access to education after this seven local Muslims participated in public prayer on May 31, faced six months imprisonment because of public prayer under the law of district and village administration5 .

Recommendations

- The international community, in particular the United Nations, must take serious moves to pressure the government of Myanmar to stop the violence against the Rohingya minority and to investigate the violations committed and bring the perpetrators to justice.

- Allowing United Nations observers, the Truth Commission and Human rights investigators to reach the state to evaluate the current situation, as well as to allow the admission of independent observers and media representatives.

- Allow the Rohingya refugees to return home voluntarily, safely and with dignity; and the Government of Myanmar should make every effort to rebuild the communities and villages destroyed during the conflict and end the practices of discrimination and apartheid against the Rohingya.

- Repeal all discriminatory legislation and policies, including the 1982 Nationality Act, which deprived Rohingya of full nationality rights and immediately granted citizenship to Rohingya citizens.

- The need to promote freedom of movement for all persons without discrimination and to facilitate the urgent, safe and unimpeded access of humanitarian assistance to all persons in need of assistance throughout the country.

Annual report 2017, Human Rights Watch.5
https://www.hrw.org/ar/world-report/2018/country-chapters/313695

United Nations A/HRC/38/NGO/7

General Assembly

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Human Rights Council
Thirty-eighth session
18 June-6 July 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the European Centre for Law and Justice / Centre Européen pour le Droit et la Justice, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 May 2018]

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1808865

Please recycle

Requesting that the U.N. hold Pakistan accountable to international agreements it has signed to protect its minority citizens' lives and fundamental freedoms

1. INTRODUCTION

The Islamic Republic of Pakistan continues to violate the human rights of its religious minorities. Instances of mob violence; police torture; false accusations of blasphemy; rape, murder, and other forms of violence occur on a regular basis. Authorities in Pakistan have shown a continuous inability or unwillingness to protect its minorities from human rights abuses.

The ECLJ's affiliate office in Pakistan has first-hand knowledge about many instances where religious minorities, especially Christians, have endured persecution and offers them legal assistance.

2. BACKGROUND

Pakistan has violated the human rights of religious minorities by allowing terrorist groups to attack minorities with impunity; maintaining broad and abusive blasphemy laws that carry the potential of capital punishment; and inadequately responding to and punishing crimes targeting Christians.

One of the most tragic examples of religious persecution is attacks on Christian churches and communities both by terrorists as well as Muslim mobs. After Easter Sunday this year, terrorists gunned down four members of a Christian family in Quetta1. In March of this year, seven Christians were injured when a group of Muslims, armed with guns, batons, and bricks, attacked King Jesus Church in Burewala2. In December 2017, eleven Christians were killed and fifty more injured by terrorists during an attack on Bethel Memorial Methodist Church, located in Quetta.3 The same month, three people, including a seven-year-old Christian boy, were killed by a hand grenade attack in a Christian neighbourhood4.

In addition to acts of violence and terrorism by non-state actors, Pakistan's blasphemy laws are infamous for their scope and brutality. The statute prohibiting derogatory speech against the Prophet Muhammad covers anything, words or gestures, that can be interpreted as blasphemous by a listener5. As a result, the blasphemy laws are easy to misuse, and charges often result because of personal vendettas between the parties. Since Pakistan enacted these laws in the 1980s, over one thousand cases have been registered and over forty people are on death row or serving life sentences6. Over fifty people have been killed over blasphemy allegations and hundreds are serving or have served prison terms ranging from three to ten years.

1Bill Chappell, *ISIS Claims Murders of 4 Christians in Pakistan*, NPR (3 Apr. 2018), https://www.npr.org/sections/thetwo-way/2018/04/03/599098645/isis-claims-murders-of-4-christians-in-pakistan.

2Asif Aqeel, *Easter Banner Torn Down From Pakistan Church*, World Watch Monitor (20 Mar. 2018), https://www.worldwatchmonitor.org/2018/03/pakistan-easter-banner-torn-down-christian-infighting-blamed; *Christians Wounded in Muslim Attack on Church Service in Pakistan*, Morning Star News (20 Mar. 2018), https://morningstarnews.org/2018/03/christians-wounded-muslim-attack-church-service-pakistan.

3Salman Masood, *Pakistan Church Attacked by 2 Suicide Bombers*, The New York Times (17 Dec. 2017), https://www.nytimes.com/2017/12/17/world/asia/pakistan-quetta-church-attack.html.

4*Pakistan: Bomb Attack on Christian Colony Kills Young Boy*, World Watch Monitor (6 Dec. 2017), https://www.worldwatchmonitor.org/coe/pakistan-bomb-attack-christian-colony-kills-young-boy.

5*See* Pak. Penal Code § 295-C.

6Naila Inayat, *Pakistan Alarms U.S. With Harsh Blasphemy Laws Allowing Rise of Radical Islam*, The Washington Times (16 Jan. 2018), https://www.washingtontimes.com/news/2018/jan/16/pakistans-islam-blasphemy-laws-hurt-us-relations/.

One of the most egregious and internationally well-known blasphemy cases in recent memory involves Asia Bibi, a Christian mother of five who was charged with and convicted of blasphemy for offering her co-workers water from her cup. According to her co-workers, Asia made the cup ceremonially unclean by drinking from it. Her co-workers asked her to convert to Islam but Asia refused. That refusal was nearly eight years ago, yet Asia is hopeful as she awaits her appeal to be heard by the Supreme Court of Pakistan. While there have been examples of progress with Asia Bibi's case in recent months, she remains on death row. Pakistani officials granted her the ability to keep a rosary from Pope Francis. More importantly, Chief Justice of Pakistan's Supreme Court, Mian Saqib Nisar, told Asia's attorney that a hearing would be scheduled soon. While this is a step forward, the Pakistani government has generally remained indifferent to Asia Bibi's harsh and unjust situation and to others similarly situated within Pakistan's borders.

Blasphemy cases also result in mob violence. So far, there has been only one case in which participants of a mob attack were arrested, charged, and convicted. There are dozens of other cases in which Muslim mobs have attacked, killed Christians, and burned and vandalised Christian homes, but no one has been punished. A primary example of such impunity is the 2013 attack on Joseph Colony in Lahore. A mob burned and looted Christian homes in response to a false allegation of blasphemy against one of Joseph Colony's residents. In 2017, Pakistani courts acquitted nearly 100 suspects accused of being part of the mob7.

Another concerning aspect of mob attacks is the authorities' response. Instead of stopping and arresting mob participants, police officials encourage religious minorities to flee when Muslim mobs form. In 2017, officials recommended that Christian families living in Sukheki village leave their homes after a young Christian, Sonu Arshad, was accused of making a blasphemous statement online. The mob called for Arshad's execution, but it eventually subsided and the Christian families returned home.

More recently, in February 2018, a Muslim mob demanded that a twenty-year-old Christian man, Patras Masih, who allegedly posted blasphemous material online, be handed over to them so he could be publicly hung8. Nearly 800 families fled their homes out of fear of violence. This situation also de-escalated and the families returned to their homes a few days later.

In addition to the instances of terrorism, mob violence, and blasphemy, many other crimes are committed against Christians on a regular basis. Most of these crimes go unpunished or enjoy extraordinary delays, often due to widespread corruption within the police department.

For example, Nadeem Masih, a Christian brick-kiln worker, was beaten by his Muslim employer for taking Sunday off from work in observance of his Christian faith and asking for payment for his work. Initially, the police would not bring charges against the employer. It was not until the victim had legal representation and the courts stepped in that a police report was filed. When the victim's day in court came, the employer was nowhere to be found. Even though the court had issued warrants against the employer over a year ago, the police have yet to arrest him.

In another case, police officers were the culprits. Seventeen-year-old, Arlsan Masih, was killed by six police officers who dragged him out of school and brutally beat him until he died. Arslan's only offense was getting into an argument with a classmate who reported Arlsan to a relative in the police department. Attorneys from the ECLJ's affiliate represented Arslan's family. After one of the defendants' bail was denied, the defendants offered Arslan's family monetary restitution in exchange for a pardon. Such a settlement offer is unusual because police often threaten families forcing them to withdraw charges. While Pakistani law allows restitutionary damages in exchange for pardons, the government could still take disciplinary action against police officers who torture people in custody. So far, no such action has been taken against Arslan's killers.

7Asif Aqeel, *Pakistan Court Acquits All Suspects in 2013 Arson of Christian Neighborhood*, World Watch Monitor (21 Jan. 2017), https://www.worldwatchmonitor.org/2017/01/pakistan-court-acquits-all-suspects-in-2013-arson-of-christian-neighbourhood/.

8Asif Aqeel, *Pakistan: 800 Christian Families Flee Neighbourhood After Blasphemy Accusation*, World Watch Monitor (20 Feb 2018), https://www.worldwatchmonitor.org/2018/02/pakistan-800-christian-families-flee-neighbourhood-blasphemy-accusation/.

3. REQUEST

The above incidents are examples of a systematic bent towards injustice within the Pakistani legal system, specifically when religious minorities are involved. The three areas outlined above—terrorist and mob attacks against religious minorities, unjust application of blasphemy laws, and the lack of justice when punishing crimes committed by the Muslim majority—show that religious minorities have little reason to expect just outcomes when issues are reported to the authorities.

The Pakistani government has the indispensable duty to protect its citizens, despite their religious beliefs. Pakistan is a party to a number of human rights treaties, including the International Covenant on Civil and Political Rights.9 In light of legal obligations under its own constitution10 and international agreements it has ratified, Pakistan is required to protect its religious minorities and their fundamental rights.

The ECLJ requests that the United Nations hold Pakistan to the standards by which it has agreed to abide. Pakistan must protect Christians and other religious minorities and bring the perpetrators of violence to justice.

9*Int'l Covenant on Civil and Political Rights*, UNITED NATIONS HUMAN RIGHTS OFFICE OF THE HIGH COMMISSIONER, http://indicators.ohchr.org/ (last visited 24 Jan. 2018).
10Pakistan Const. art. 9; art. 19; art. 20.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the African Centre for Democracy and Human Rights Studies, the Asian-Eurasian Human Rights Forum and the International Movement for Fraternal Union among Races and Peoples, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Situation of Migrant Workers in Libya*

The 38th regular session of the Human Rights Council needs to accord special attention to the dire situation of thousands of migrant workers in Libya. Of special concern is the situation of migrant workers from Sub-Saharan Africa, especially those who enter Libya in their journey to cross the Mediterranean into Western Europe. While we note with dismay the widespread deterioration of the overall situation of human rights and international humanitarian law in Libya, yet we must single out the ordeal faced by vulnerable migrant workers in the hands of armed groups that target them in a systematic manner often on racist and discriminatory grounds. These criminal groups inflict on migrants all sorts of human rights abuses in utterly inhumane manner. With only few exceptions, in the eastern parts of Libya where law and order are relatively restored, migrants in all parts of Libya are left at the mercy of ruthless criminal groups that seek economic gains by exploiting them as unpaid labour or by extorting ransom money from their families in their respective countries. There are also reports that migrants that leave Libya to return to their countries are usually striped by the Libyan security forces of money and valuables and on some occasions, they are looted of all their belongings.

Successive reports by the Office of the UN High Commissioner for Human Rights (UNHCHR) on the situation in Libya documented multiple abuses committed by armed groups and government security agents against African migrants. Most of the reported abuses against migrant workers in Libya are committed by armed groups that apparently operate freely under the eyes and knowledge of the local authorities in different Libyan towns and cities. In its report entitled "Detained and Dehumanised" of 13 December 2016, UNHCHR described the situation of migrants in Libya as *"a human rights crisis"* and that beside armed groups, criminal gangs, smugglers and traffickers *"some members of State institutions and local officials"* play active role in the abuse of migrants. The reported crimes include, arbitrary arrest and detention for prolonged periods, targeted killings and extra-judicial executions, enforced disappearances, torture and inhumane and degrading treatment as well as abductions for forced labour and enslavement, or for extortion of ransom money.

In April 2017, the International Organisation for Migration (IOM) revealed the existence of slavery and enslavement of migrant workers in Libya. Interviews conducted by IOM's officials with victims of forced servitude in Libya confirmed that young men and women are being sold by human traffickers as slaves to locals who use them in different economic fields often in agriculture and construction. The town of Sabha in South Libya represents the epicentre of forced servitude in Libya where hundreds of migrants are auctioned in public or private premises. The victims are held in dreadful sanitary conditions, offered little food and regularly tortured and verbally abused. Some migrants who could not work or pay the ransom money were reportedly killed or left to starve to death. Migrant women are not spared this ordeal and they are being sold as domestics and eventually forced into sex slavery.

Reports about the resurrection of slavery in Libya provoked expeditious intervention of the African Union Commission and the UN Security Council. In his Communiqué of 17 November 2017, the President of Guinea and President-in-office of the African Union Professor Alpha Condé expressed his *"outrage at the despicable trade in migrants currently prevailing in Libya and strongly condemned this practice of another age."* The African Union further urged *"the Libyan authorities to open an investigation, to place responsibility and to bring to justice the accused."* In its Presidential Statement S/PRST/2017/24 of 8 December 2017, the Security Council expressed *"grave concern about reports of migrants being sold into slavery in Libya"* and condemned such actions *"as heinous abuses of human rights which may also amount to crimes against humanity."* The Security Council further called *"upon all relevant authorities to investigate such activities without delay to bring the perpetrators to justice and hold those responsible to account."* Equally commendable is the bold stand of some African countries to address this tragedy. We applaud the decision of Nigeria to dispatch aeroplanes to Libya and to repatriate its stranded citizens. The expeditious and sincere efforts of Nigeria, however, *ad hoc* and limited that they appear to be, they deserve international acclamation and support by the world community. We encourage all other African countries to follow suit and facilitate the repatriation of all stranded African migrant workers in Libya.

In a related incident in mid-January 2018, the world was shocked by video footages that went viral on the social media of Sudanese immigrants being held at gunpoint by a Libyan armed group and were severely beaten and tortured by

applying a burning substance on their naked bodies. The immigrants were forced to make heart-breaking pleas to their family members asking them to send ransom money to their captors in order to be released. Following an international outcry denouncing this crime, the Libyan Special Deterrence Forces – a branch of Libya's Ministry of Interior – intervened and raided the location where the migrants were held. They freed eight captives and arrested four men suspected of being the kidnappers. While we salute the Libyan authorities for their prompt response, we encourage them to take more bold steps to end such crimes by launching pre-emptive strikes against armed groups that are likely being involved in the abduction of migrants. There are over 40 formally recognized detention centers for migrants in Libya yet available information indicates the existence of hundreds of other detention facilities that are controlled by private entities in different parts of the country. Locating such private detention facilities and rescue the abductees held in them requires massive efforts. Some of the well-known locations where migrants are held in sub-humane conditions and where money extortions and abuses are rampant are in Salah-Uddin Prison in Tripoli which accommodates hundreds of migrants in very harsh detention conditions as well as Az-Zawiyah Prison and the Industrial Area in Ajdabiya. Available information suggest that Ajdabiya is the hub of human trafficking in Libya's Mediterranean shores where migrants who are planning to leave to Western Europe or those who failed their journey and arrested by the Libyan borders guard are held in warehouses in miserable conditions.

In conclusion, the magnitude and scale of human trafficking and forced servitude in Libya is massive. The numbers of migrant workers from Sub-Saharan Africa, especially those planning to cross into Western Europe, has been in steady increase throughout the last few years. A considerable number of these immigrants lacks proper documentation, which complicates their identification. Lack of law and order and the proliferation of armed criminal gangs in Libya indicate that the problem could well be a nation-wide phenomenon. Proper investigation of this situation requires implementation of an urgent and resourceful rescue plan with involvement of all concerned partners, including governments, inter-governmental and non-governmental organisations.

Recommendations

1. The Human Rights Council and its relevant special procedures must accord more attention to the human rights tragedy in Libya, particularly the crimes committed against migrants from Sub-Saharan Africa and ensure that the authorities fully respect Libya's obligations under the International Convention on the Protection of All Migrant Workers and Members of their Families.
2. Concerned countries of origin of migrants and those of their final destination, in Sub-Saharan Africa and Western Europe, must play a proactive role in ending this crisis by considering all possible humane options to address the inflow of youngsters that are likely to undertake the hazardous migration routes across the Mediterranean into Western Europe.
3. The *Security Council* should seize the International Criminal Court on the situation of migrant workers in Libya and impose targeted sanctions on groups involved in human trafficking and the promotion of slavery and forced servitude in Libya.

4. There is urgent need for a well-designed technical capacity-building programme to support the competent Libyan authorities in order to better equip them to dismantle armed groups involved in human trafficking and to deal with situations that lead to forced servitude.

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*Euro-African Forum on Rights and Development and Omar Al-Mukhtar International Association, NGOs without consultative status, also share the views expressed in this statement.

United Nations A/HRC/38/NGO/9

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Human Rights Council
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18 June-6 July 2018
Agenda item 9
Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Joint written statement* submitted by the African Centre for Democracy and Human Rights Studies, the Asian-Eurasian Human Rights Forum and the International Movement for Fraternal Union among Races and Peoples, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Racism and Racial Discrimination: A Continuous Challenge to the World Community

More than 16 years after the convening of the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) and the adoption of the Durban Declaration and Programme of Action in Durban (South Africa) in September 2001, little progress has been achieved in the world efforts to free human society from the wrath of racism, discrimination, xenophobia and intolerance. The Durban Declaration and Programme of Action, which were adopted by consensus by WCAR's participants, were considered by many observers as the most important international framework in the world's collective efforts to combat racism and racial discrimination in the post-apartheid era. At WCAR, governments committed themselves to implement national plans of actions and to introduce revolutionary concepts to combat racism, bigotry and racial discrimination in all their forms and manifestations. They also agreed that periodic review should be undertaken by the world community to evaluate the progress made at the national levels and in the world collective efforts to fight these destructive phenomena.

The victims of racism continue to attach special importance to the elimination of racism and discrimination as well as cultural and religious bigotry and other related forms and manifestations of intolerance, which had been identified at WCAR as some of the major ills of today's world and that they are growing in danger and magnitude. Systematic racism, discrimination, xenophobia and intolerance against certain groups of people prepare the ground for the commission of violence and other heinous crimes against them on the one hand and on the other hand they lead to armed violence and political unrest when the victims resort to violent resistance to challenges their oppressors, which in turn leads to large-scale persecution, mass atrocities and even genocide and extermination.

Unfortunately, the hopes raised at WCAR were miserably dashed by fear, lack of political will and by the continued assault on the historical achievements in the Durban documents from hate mongers. The blind spirit of revenge and intolerance associated with the ongoing *"war against terrorism"* is largely responsible for destroying most of the achievements reached at Durban and at present, discrimination and related intolerance prevail in many societies, especially in Western Europe. The progressive gains of right-wing and ultra-nationalist political parties in Europe such as the Party for Freedom (Netherlands), Swedish Democrats (Sweden), Danish People's Party (Denmark), German People's Party (Germany), Freedom Party (Austria), Front National (France), the Northern League (Italy), the British National Party/UK Independence Party (UKIP) and Swiss People's Party or (UDC) should send alarming signals. These ultra-right political formations are increasingly represented in national parliaments thus they are exercising noticeable influence on the legislative and executive branches of government in their respective countries.

The situation could get out of control as some irresponsible politicians frequently make unwarranted high-profile expressions of racism, sexism, Islamophobia, xenophobia and intolerance. A case in point is the current administration of the United States of America. In this regard we believe that the world community should join hands with African nations in condemning the racist and vile words attributed to President Donald Trump on the question of immigration to the USA in early 2018, when he collectively labelled African nations and Haiti in a denigrating and vulgar language. In this respect, we fully concur with the statements issued by the Government of Botswana on 12 January 2018 and that of the Group of African Ambassadors in New York on 12 January 2018 denouncing the racist behaviour of President Donald Trump and we call on the world to condemn in the strongest terms *"... the continuing and growing trend from the US administration toward Africa and people of African descent to denigrate the continent and people of colour."*

We are concerned that Islamophobia or the fear of Islam and hatred of Muslims, which is a compounding factor of racism and discrimination, is in the increase in some countries, especially in the United States of America. It is condemnable that the US Administration under President Trump started office by issuing Executive Order 13769, entitled "Protecting the Nation from Foreign Terrorists Entry into the United States", commonly known as the Muslims Ban. This widely condemned racist and discriminatory measure banned the entry into the United States of citizens of 7 pro-dominantly Muslim countries. Executive Order 13769 entered into effect from 27 January 2017, until 16 March 2017, when it was superseded by Executive Order 13780, another discriminatory government measures that take the world back to the days of institutional racism.

It is a matter of grave concern that Islamophobic discourse, which is characterized by misinformation and misunderstanding of Islam and its teachings, claims to be targeting radical Islamic political movements, however, its effects make no such distinction. Islamophobia and the hatred of Muslims are nourished by malicious media campaigns which associate Muslims with political movements that resort to militant interpretation of Islamic teachings or violence. This mistaken association is propagated despite the fact that Islam abhors violence against civilians under any pretext including during times of war. It is also noteworthy that average individuals, among the 1.5 billion Muslims of the world, are neither linked with militant political movements nor condone their practices. The campaign against Islam and Muslims in Western Europe takes different forms ranging from the defamation of Islam and vilifying Muslim personalities through the print and audio-visual material to the prohibition of Muslim religious and cultural symbols. More often than not, Islamophobia and the hatred of Muslims are fostered by racism and anti-immigrant sentiments.

It is observed that anti-Islam and anti-Muslim political rhetoric increase during times of national or local elections in Western Europe. Far-right political parties appeal to voters on comprehensive plans for socio-economic, cultural and political change that reject the existing systems and purport to preserve European identity and idiosyncratic values against intrusion of foreigners. Rising unemployment levels and cuts in governments' spending caused by financial hardships are also noticed as triggers of Islamophobic incidents. Right-wing parties target Muslims and foreigners in order to increase their electoral audience taking advantage that the propagation of anti-immigrant and anti-Muslim political rhetoric is a major factor in their electoral success. This strategy is reminiscent of the propaganda used by Nazi and Fascist elements in the 1930s to control governments and to prepare for wars that caused one of the greatest tragedies during 1939-1945. In recent years, there are reports about hundreds of Muslim places of worship, schools and community centres that were either burned down by arsonist right-wing extremist groups, defiled with insulting texts and neo-Nazi graffiti or desecrated with manure and blood etc.

Conclusion and recommendations:

1. Throughout history racism, discrimination and religious and ethnic intolerance has caused immeasurable pain and sorrow to millions of people in many parts of the world and they continue to do so in today's world. Combating racism and discrimination in all their forms and manifestations is therefore the responsibility of all members of the human society.

2. The world has achieved important progress in combating racism and discrimination by dismantling *de jure* racism and racial discrimination following the defeat of apartheid in the southern parts of the continent of Africa and the downfall of the system of racial segregation in the United States of America. These positive developments are indicative that similar progress can be achieved in the fight against racism, discrimination and intolerance when states and nations make the strategic decision to fight these dangerous enemies.

3. The growing popularity of ultra-right-wing and Islamophobic political parties in Western Europe is a serious threat to Europe's traditions of tolerance, freedom, liberalism and equality. Self-centric and intolerant political agendas proffered by these groups endanger the foundation of Western European democracies. It would also put in peril peaceful co-existence among the different religions and negatively affect international cooperation between Muslims and European nations.

4. Propagation of Islamophobia and hatred of Muslims is a dangerous phenomenon which is increasingly associated with violence and hate crimes. Such propagation cannot, therefore, be considered a question of freedom of expression but rather as a crime under law such as incitation to racial hatred and violence.

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*Euro-African Forum on Rights and Development and Omar Al-Mukhtar International Association, NGOs without consultative status, also share the views expressed in this statement.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the First Modern Agro. Tools - Common Initiative Group (FI.MO.AT.C.I.G), a non-governmental organization in special consultative status

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Please recycle

"De facto statelessness" of the anglophone Linguistic Minority in Cameroon

The Anglophone linguistic minority problem in Cameroon originates not from the fact that Anglophones in Cameroon are not considered as Cameroonian nationals by the 36-year old rule government in power under the operation of its law; the main contention is that the nationalities of the Anglophone linguistic minority in Cameroon is not effective. This is "de facto statelessness".

Anglophones are marginalized and discriminated up to the highest level in government by the majority francophone government officials at the public service and military and then treated like second class citizens in recruitments, treatment of official documents. Anglophone names on official documents are easily identified and then discriminated in government. A minister once likens the union between Anglophones and francophone people in Cameroon to a cube of sugar dropped in a basin of water. A Minister also once said an Anglophone cannot be president in Cameroon.

The law is clear and impartial but those in position of authority are mainly the francophone people in Cameroon and they do not follow the letter of the law.

The manner in which government officials who are mainly francophone people apply its nationalities laws in practice on the Anglophone linguistic minority is partial, incompetent francophone authorities in the Anglophone regions of Cameroon do not interpret the law rightfully especially the common law-the Anglophone law.

Cameroonian nationality is granted based on links through families or through territory, place of birth, parents who are Cameroonians and habitual resident in Cameroon, it is the practical aspect on how the Anglophone linguistic minority are treated that is important.

In line with the recommendations of the Special Rapporteur on minority issues to bring out the root causes of statelessness and the specific conditions or barriers that result in a huge proportion of the world's stateless persons belonging to minorities we would like to briefly say that the root causes of the "de facto statelessness" of the Anglophone linguistic minority in Cameroon is the referendum in 1961 where west Cameroonians (Anglophone linguistic Minority) were not permitted to achieve self-independence, followed by a unilateral change of a referral decision on the two-state federation of francophone people and the Anglophones in Cameroon to a republic of Cameroon to the detriment of the Anglophone linguistic minority.

Moreover the centralized nature of Cameroonian unitary state makes things, very difficult to Anglophones due to language barrier when they have to encounter the central government, further compounded by the gradual eradication of the English culture in the Anglophone regions of Cameroon which is assimilation.

The ongoing crises in the Anglophone regions of Cameroon resulting from the de facto statelessness of the Anglophone linguistic minority in Cameroon have reached an alarming level where the government has declared war on the Anglophone people of Cameroon.

The state on its pedestal has chosen to use the gun instead of calling for inclusive dialogue and has classified people fighting for their rights as terrorists and rebels. Food and cash crops are destroyed by the military. Civilians flee their homes and live in bushes or forests. This is mostly in places of battling between the military and the so-called Ambazonian defense forces (ADF).

Ending these crises without solving the Anglophone problem would do no good as there is a very high potential of the crises to continue for the next two years and the crises would come again one day if the problem is not solved.

What further role could the United Nations and international organizations play to increase awareness of statelessness as a minority issue?

Many have recommended several solutions to the Anglophone problem of de facto statelessness including:

- Cessation of southern Cameroon from la republic du Cameroon.
- The re-establishment of a two-state federation.
- Permitting an Anglophone also become head of state in Cameroon.
- Compensation of Anglophones with something for not asking a third question at independence and for the unilateral change of a referral decision to our disadvantage.
- The employment of pure English speaking Cameroonians in the Anglophone regions of Cameroon just with a few French speaking Cameroonians. French speaking Cameroonians cannot dominate the Anglophones in the public service, the military and the private sector in the Anglophone regions of Cameroon.
- The re-establishment of an Anglo-Saxon system and culture in all aspect in the Anglophone regions of Cameroon.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights including the right to development

Written statement* submitted by the World Muslim Congress, a non-governmental organization in general consultative status

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Please recycle

Impact of Conflict on Children Rights in Indian Administered Jammu & Kashmir

United Nations convention on right to child adopted by General Assembly on November 20 1989 defines every human being below age of 18 as child and set forth certain responsibilities on states to protect the rights of the child. Convention puts responsibility on States Parties to respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. It adds that States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members. Convention further adds that Parties recognize that every child has the inherent right to life and States Parties shall ensure to the maximum extent possible the survival and development of the child.

The impact of armed conflicts on civilians has exponentially grown since 1990, as 90% of the victims of armed conflicts all over the world are civilians – among which 80% are women and children. The 1996 The United Nations Children's Fund (UNICEF) report on The Impact of Armed Conflicts on Children found out that globally more than one billion children under 18 years of age are living in conflict-torn regions, which is one-sixth of the total population of the world. The nearly three decades long conflict in Jammu and Kashmir has been no different, as children are the lesser known victims of the widespread and systematic violence in Indian administered Jammu and Kashmir.

Children are one of the worst affected groups in the ongoing conflict in Indian Administered Jammu and Kashmir. To crush the peoples' uprising against Indian occupation the state has resorted to highly militaristic response; children have not only suffered as indirect victims of the war but have been at the receiving end of targeted state violence.

The nineteen nineties was a period of calamity for children, as incidents of state violence against civilians carried out in lieu of fighting an insurgency, was at its peak. From daily incidents of violence against civilians irrespective of their age to acts of mass violence against entire villages or towns, or extra-judicial killings, enforced disappearances, rapes and illegal and administrative detention - children have faced the general state violence in much the same way as adults. The trend continues unabated and unrestricted to this day, with no letup in civilian killings, especially of children with continued illegal and administrative detentions of minors. Children are without doubt one of most targeted groups of state violence

Children in Jammu and Kashmir have been victims of the law. The governments in Jammu and Kashmir have been detaining minors illegally and under the repressive Public Safety Act (PSA). The report "Terrorized; Impact of violence on children in Jammu and Kashmir," release by JKCCS, analyses the implication of the arbitrary use of repressive laws on the rights of children and disregarding any protection afforded to children under various laws, two fold impact.

http://jkccs.net/wp-content/uploads/2018/03/2018-Impact-of-Violence-on-Children-of-JK-JKCCS.pdf

The impunity enjoyed by armed forces in Jammu and Kashmir is not only because of draconian laws but also because of systematic lawlessness prevailing in Jammu and Kashmir. The lawlessness is allowed by the state to give the armed forces complete control over the civilian population and give them free rein in neutralizing the emerging situation.

A survey on impact of violence was carried out by Jammu Kashmir Coalition of Civil Society (JKCCS) in the two districts of Baramulla and Bandipora in north Kashmir. It was published in the form of a report "**Dead But Not Forgotten**" in 2006. It was found that among the total 5106 people killed and forcibly disappeared during armed conflict from 1989 to 2005; 392 were children. The number of children killed in these two districts from 1989 to 2006 account for nearly 8% of the total people killed.

The fifteen-year period from 2003 to 2017, witnessed not less than 318 killings of children (in the age group of 1 to 17) in various incidents of violence in Jammu and Kashmir. The killing of 318 children constitutes 6.95% of the total civilian killings in last fifteen years, as 4571 civilians are killed in Jammu and Kashmir in the same period (2003 -

2017). In the same period, i.e. from 2003 to 2017, at least 16,436 killings were recorded in Jammu and Kashmir. Numbers indicate that in the last fifteen years Jammu and Kashmir in an average year has witnessed at least 1,095 killings, which belies the government's claims of 'return to normalcy'.

The pattern of killings of children in the fifteen-year period suggests that children were direct targets of state violence, as part of its stated offensive to curb uprising and militancy. At least 144 children were killed by Indian Armed Forces and state police in Jammu and Kashmir, which alone accounts for nearly half, i.e. 44.02 percent, of the total children killed. Most of the children, at least 110 of them, killed in state violence were shot dead in different incidents of violence, and not less than eight children died due to injuries inflicted from pellet shot-guns fired by Government Forces. Twenty-seven children died due to drowning. These drowning were either caused by negligence of Armed Forces in Wular Lake tragedy; or being forced to jump into water being chased by Armed Forces during protest in hope to avoid brutal treatment.

The ongoing conflict in Jammu and Kashmir is amongst the oldest unresolved conflicts under United Nations. The widespread and institutionalized human rights violations against people of Indian Administered Jammu and Kashmir by Indian Armed Forces are well known and documented. However, the focus of the documentation of rights abuses has mainly remained on the civilians and not subgroups like women, children and students etc. While the human rights abuses against children in conflicts like Palestine, Iraq, Syria and Afghanistan have garnered global attention the human rights violations against children in Jammu and Kashmir have not been highlighted. Children in Jammu and Kashmir are living in the most militarized zone of the world, with the presence of 7,00,000 troopers, which is at least three times higher than the start of American Operations in Iraq and Afghanistan. One of the major challenges we are faced with in recognizing the crimes against children in Jammu and Kashmir during the last three decades of armed conflict is that India still does not recognize the framework of International or non-international armed conflict laws. As there are no legal and normative processes or practices protecting children's rights in Jammu and Kashmir, it is responsibility of United Nations to come forward and take cognizance of the situation and call upon Government of India to comply with its International obligations.

United Nations A/HRC/38/NGO/12

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5 June 2018

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Thirty-eighth session
18 June-6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the World Muslim Congress, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-08876(E)
1808876

Please recycle

Rape: Weapon of War in Indian Administered Kashmir

Since 1990, when simmering resentment against broken promises and denial of United Nations resolutions for right to self-determination transformed into mass rebellion in favor of Kashmiris freedom, the occupation forces used rape as weapon of war and instrument of political repression against the people of Jammu & Kashmir. It was used simultaneously as a political tool of power and retribution against Kashmiri freedom fighters besides a cultural weapon of humiliation against Kashmiri women participated and the community at large. In other words, Kashmiri women are raped both by way of State retaliation against Kashmiris resistance against the Indian occupation, and as a means to inscribe subordination on the larger community through the sexual dishonor of their women. The sexualised edge of the Indian counter-offensive in Jammu & Kashmir thus goes well beyond individual subjection. Sexual crimes against civilian Kashmiri women are a means to crush the dignity, autonomy and integrity of Kashmiri society as part of methodology of state repression centered on the suppression of Kashmiri resistance.

As per Human Rights Watch, the central element of rape in Indian Occupied Kashmir is power. Soldiers use rape as a weapon: to punish, intimidate, coerce, humiliate and degrade. Backed by Parliament, legislative decree and Army Command; buttressed by a compliant and uncritical media, and a misinformed and uncaring Indian public opinion; aided by a partly-neutralized and partly-proxy police, judiciary, and successive client regimes in Kashmir, executive orders in New Delhi continue with a profoundly illegitimate status-quo in Kashmir. Indeed, there seems little hope of dislodging a 'national' consensus around the privileging of executive and military power in Kashmir that is not a political abstraction but a material means to inscribe subjection on a garrisoned local population. Sexualized repression functions as a potent means to reinforce the overarching political equation of power and dominance over the Kashmiri people.

In addition, rape is used as a means of targeting women whom the occupation forces accuse of being movement sympathizers by raping them, the security forces are attempting to punish and humiliate the entire community forcing family members to witness the rape of women; sexual humiliation a means to shame, degrade and demoralize family and the community at large.

Although reliable statistics on rape in Kashmir are hard to come by, existing evidence indicates that the practice is frequent and widespread. In a statement in Kashmir's Legislative Assembly in October 2013, Chief Minister Omar Abdullah admitted to registering more than 5000 cases of rape since the1989 armed rebellion against Indian rule began. The response of government authorities to the incidents of rape by occupation forces in Kashmir is, at best, muted. Such allegations have often prompted official denial rather than investigation or prosecution. For instance the of mass-rape of 32 teenaged, adult and elderly women ranged from 13 to 80 years, at the twin villages of KunanPoshpora, Kupwara District, north Kashmir on 23-24 February 1991 by soldiers of the Rajputana Rifles (RR) was initially denied by government authorities. State denial was followed by a Press Council of India report exonerating the Army of any wrong doing. Twenty-four years later, a public servant, S.M Yasin, the first local government official to have visited Kunan Poshpora after the alleged mass-rape, recalled the testimony of a woman who was kept under jackboots by the army men while her daughter and daughter-in-law were being gang-raped. He also recounted being warned about being on the Army's hit list and offered incentives by way of cash and promotion in return for altering his report on the alleged rape that indicted occupation forces.

Human Rights Watch noted the unseemly haste with which the truth about KunanPoshpora was buried: The committee's eagerness to dismiss any evidence that might contradict the government's version of events indicated that it wasfar more concerned about countering domestic and international criticism than about uncovering the truth. In instances where rape survivors managed to initiate legal action against the alleged perpetrators, State authorities step in to subvert the course of justice.

In the same way in 2009 state authorities in the rape and murder of two young women Aasiajan and Nilofarjan from Shopian who were abducted, gang raped and then murdered by occupation force manipulated and distorted crucial ocular evidence, and facilitated the destruction of vital forensic evidence is another glaring example of State-led stonewalling of judicial process.

Rape in Kashmir is not the result of a few undisciplined soldiers, but rather a pre-meditated strategy of fundamentalist BJP Government to humiliate, intimidate and demoralize the Kashmiri people struggling for the just cause of freedom. This is evident from the recent rape of minor Bakarwal Muslim girl Asifa who went missing from Rasana village in Jammu and Kashmir's Kathua District on January 10, 2018. On January 17, 2018; her body was recovered from the forest near Devisthan Temple in the area. The post-mortem report has confirmed that she was raped and the cause of death has been listed as "asphyxia leading to cardiopulmonary arrest".

The murder-gang rape of a minor child Asifa from Kathuamust not be seen as a social-sexual crime but one that is deeply political and tied to the larger issue of the militarization, occupation and systematic use of rape as a weapon of war in the region. This case involves a plan to strike fear in the Gujjar-Bakerwal (migratory pastoralist) community and the Crime Branch has proved this. Such extreme violence on a young child is incomprehensible. The charge sheet is filled with the savage acts that were meted on the body of the young child who was chosen because she was a soft target. This gang-rape murder cannot be treated as apolitical since it is proven beyond doubt that it was planned to drive out the Gujjar-Bakerwals who are a marginalized Muslim community. Their presence has been a matter of growing strife for the local Hindu community. Sanji Ram the main mastermind has a clear track record of inciting sentiments against the Muslim community and it is reported he has even been harassing their women in the past. Sanji Ram groomed his nephew to kidnap the Asifa. In this, they were aided and abetted by Deepak Khajuria an SPO in the local police force who is also the mastermind and has a track record of spewing hate against the Muslim community. It has been proven that he along with the members of police and other men (currently, 8 in total) tried to cover up the case. They received clear political patronage to get the community activist Talib Hussain detained and cause impediments in the investigation. The advocate for Asifa continues to be harassed to drop the case by the Bar Association of Kathua. In an unprecedented turn of events, the Bar has mobilized in favour of the rapists and have caused impediments in filing the charge sheet against the accused. The Hindu extremists, under the banner of Hindu EktaManch, led by BJP Minister Lal Singh continues to protest and strike demanding the rapist-murderers be released. While showing extraordinary strength in face of immense adversity, Mohammad Yusuf Pujwala, Asifa's father along with his family, has fled the area due to threats. It is important be note that the Hindu community especially BJP did not allow Asifa to be buried in the area even though the family lawfully own space for burial.

In 1947, Jammu region became dominantly Hindu after a large-scale Muslim massacre was carefully orchestrated during the partition. While this shameful history is carefully hidden from common view, Asifa's case brings back the horrors of a communal past, and the potential for no doubt mindless but orchestrated violence that Indian settler colonialism is capable of bringing back or rather has brought back.

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Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the public organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Statement by NGO Public Advocacy regarding evidence of defamatory and stigmatizing propaganda as an element of unlawful pressure on the Ukrainian Orthodox Church

We draw the attention of the the UN Human Rights Council, OSCE, UNHCHR, the Council of Europe, bodies and structures whose mandate includes the protection of human rights, as well as all stakeholders to the fact that in April-May 2018 illegal pressure on the Ukrainian Orthodox Church has grown. First of all, it is caused by the attempts to impose the project of the Single Local Church (hereinafter SLC) and autocephaly on Orthodox believers of Ukraine in a format being rejected by the significant number of Orthodox believers.

The statements of the President of Ukraine and the decisions of the Parliament, numerous visits of diplomatic delegations of Ukraine to Istanbul, meetings of state officials with the Patriarch of Constantinople allow us to conclude that this issue is no longer an internal matter of the Church. The hierarchy and believers of the Ukrainian Orthodox Church are subjected to the intensified political and administrative pressure aimed at forcing them to accept the SLC project in the format which is considered proper by the presidential political circles.

In particular, the President of Ukraine stressed[1] that he is determined to act very decisively towards the creation of the SLC and to oppose all who will stand in the way of "national interests of Ukraine", the website of the President reports. "This is a matter of national security and our defense in a hybrid war, because the Kremlin views the ROC as one of the key instruments of influence on Ukraine," Petro Poroshenko said. "Therefore, I am very determined to act in this matter. And to counteract all those who will stand in the way of Ukraine's national interests and will try to disrupt cooperation with the Ecumenical Patriarchal Throne," he said.

This situation is an unacceptable interference of government officials in the internal affairs of the Church, which is not only separated from the state, but also has the right to maintain its status, including legal and canonical.

In accordance with international legal standards and European practice, the form and method of canonical relations of any Church with religious foreign centers are an internal matter of a religious denomination and constitute the religious identity of believers. Confession of religious beliefs in a particular Church is a subjective right to freedom of religion, and everyone has the right to choose the Church according to their selection criteria, including canonical one.

Citizens of Ukraine, as well as church hierarchs, are not prohibited from contacting leaders of other religious faiths and expressing to Constantinople Patriarch Bartholomew, as well as others, their views on matters relating to religious life, especially in the situation when the public administration interferes into affairs of the Church, which has the autonomous legal status of an association (corporation) of private, rather than state-public law. The collection of signatures, petitions, appeals, statements alongside organizing meetings, rallies, demonstrations and negotiations appear as forms of expression of the opinion of civil society and guarantees of democratic European freedoms.

Unfortunately, we have to state that the listed rights are currently being restricted by government officials who exert unlawful pressure on believers, forcing them to abandon legitimate forms of expressing their opinions on issues they are concerned with. In a number of cases, there have been documented threats and facts of conducting "preventive" interviews by law enforcement officials in order to block the initiatives of believers in expressing their viewpoint on the establishment of the Single Local Church.

1 http://spzh.news/en/news/52924-poroshenko-prigrozil-vsem-kto-popytajetsya-sorvaty-kooperaciju-po-jepc

One of the lines of illegal pressure is a requirement on the part of a number of state employees and politicians to change the name of the Ukrainian Orthodox Church by affixing the Moscow Patriarchate to the name and changing the organizational status of the UOC for Exarchate of the Moscow Patriarchate. Such requirements are illegal and unacceptable in a civilized society. Changing the name of the UOC by indicating its affiliation to the Moscow Patriarchate, as well as changing the organizational form for the Exarchate cannot be achieved either by administrative or compulsory legal decisions, since these issues pertain to the sphere of civil law and can only be resolved by the decision of the Ukrainian Orthodox Church. Any administrative resolution in this matter will not only be against democracy and law, but will testify to the total loss by Ukraine of its minimal standards of civilized state administration.

Another unacceptable legal violation is resorting to hate speech that incites religious hatred – in the rhetoric of leaders of religious confessions and civil servants – in relation to the Ukrainian Orthodox Church.

As a matter of fact, leader of the religious confession of the UOC-Kyiv Patriarchate Filaret Denisenko alongside a number of hierarchs of this faith, without any grounds or evidence, publicly accuse[2] the Ukrainian Orthodox Church of propagating the "Russian world", voicing statements that that the status of the UOC can be changed to "exarchate". In a number of cases, the clerics of this denomination initiate power clashes around the UOC temples and openly demonstrate a negative and hostile attitude towards Orthodox believers. Numerous proofs of such actions are contained both in the information space and reports of human rights organizations[3] All these facts testify not only to the inter-faith tension in the country, but also to the use of the state administrative resource, which publicly and openly supports aggression against the Ukrainian Orthodox Church.

A marker of aggressively hostile propaganda towards Orthodox believers of the UOC is that personal data of the hierarchs of the Ukrainian Orthodox Church – Chancellor of the UOC Metropolitan Anthony (Pakanich), head of the UOC Representation to European Organizations Bishop Victor (Kotsaba), deputy chairman of the Department for External Church Relations of the UOC Prot. Nikolai Danilevich, and priest Aleksei Zoshchuk – were published on "Mirotvorets" ("Peacemaker") site.

As you know, the activity of this site is provocative, as it publishes personal data, the placement of which without the consent of the owner is a criminal offense in accordance with Article 182 of the Criminal Code of Ukraine. Besides, given the nature of the activity of this information resource, publishing personal data of church hierarchs testifies to incitement of religious enmity towards Orthodox believers.

It should be noted that the activities of Metropolitan Anthony (Pakanich) of Borispol and Brovary, Bishop Victor (Kotsaba) of Baryshevka, Protopriest Nikolai Danilevich, as well as priest Aleksei Zoshchuk, are qualified as the work of human rights defenders. According to the standards of the UN, OSCE, the European Union, and the norms of international law – those who defend rights, including religious ones, are recognized as human rights defenders regardless of their professional status.

States, including Ukraine, have assumed increased obligations to protect the rights of human rights defenders and pledged to provide conditions for their free and unhindered work.

A case in point is information messages about priest of the UOC Aleksei Zoshchuk, posted by the Ukrainian information resource "Obozrevatel" ("Observer") under the title "For the money of Russia? Scandalous priest of the UOC MP boasts of a luxurious holiday in UAE" and interpreted as a stigmatizing campaign. This publication contains personal photos of the family of Aleksei Zoshchuk, including minor children, showing that in February 2018 he spent an expensive vacation with his family. Additionally, he is alleged "to go to Moscow with his assistant for a meeting with the FSB curator to receive instructions and discuss the strategy of the information and propaganda war against Ukraine and disrupting the establishment of a Single Local Ukrainian Orthodox Church."

2 www.protiktor.com/38HRCsession

3 www.protiktor.com/upr

Such accusations are an example of the planned slanderous information propaganda against the clergyman who, by the nature of his activities, defends the rights of believers. Earlier, Aleksei Zoshchuk became the victim of an attack by the radicals from S14, who'd broken into the office of the information agency Union of Orthodox Journalists, with which A. Zoshchuk carries out his professional activities. Thus ***the case of Aleksei Zoshchuk is an example of stigmatization of the priest for his human rights activities to protect his flock.***

Of particular attention is the fact that both Metropolitan Anthony (Pakanich) and Bishop Victor (Kotsaba), as well as Prot. Nikolai Danilevich, were stigmatized for their human rights activities related to their public speeches at international venues of the OSCE and the UN. This fact certainly will not go unnoticed by the international community and the state of Ukraine will have to make efforts to eliminate this offense as quickly as possible; otherwise it will serve as an evident proof of the anti-European and anti-legal policies of the ruling politicians in Ukraine.

In the light of the foregoing, I request your greatest attention to the above facts and to take actions to protect the rights of Orthodox believers in Ukraine, prevent interreligious clashes and help put an end to political, administrative and power pressure on the religious faith of the Ukrainian Orthodox Church.

Information on the above topic are published at: www.protiktor.com/38HRCsession

United Nations A/HRC/38/NGO/14

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Agenda item 5
Human rights bodies and mechanisms

Written statement* submitted by the public organization "Public Advocacy", a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.18-08878(E)

Please recycle

On violations of the rights of the Ukrainian orthodox church

1. About the Submitting NGO and the sources of evidence of the rights violations.

Since 2015, our organization have been monitoring the observance of the rights and freedoms of believers of the Ukrainian Orthodox Church (UOC) in the Lvov, Rovne, Ternopol, Volyn, Kiev, Zhitomir, Nikolayev, Kherson, Khmelnitsky, Vinnytsia regions. As a result, we have established numerous facts of violations of the rights of the UOC. The findings of our work are confirmed by the following:

- A statement on current stance with human rights in Ukraine over 16 November 2015 – 15 February 15, 2016 by the Office of the United Nations High Commissioner for Human Rights1 (Para. 119-120);
- A report of the US State Department on Religious Freedom in the World of 20152;
- Bulletin of the OSCE SMM during the monitoring period3;
- Reports of human rights organizations4;
- Human Rights Council Working Group on the Universal Periodic Review Twenty-eighth session Geneva, 6-17 November 20175.

2. Hate speeches and incitement to perpetration of crimes with regard to the UOC believers.

Hate mongering in relation to the Ukrainian Orthodox Church is regretfully of systemic nature and lacks due assessment by the state power bodies. Even direct calls to committing grievous offences with regard to the UOC believers do not lead to any response on the part of the law enforcement authorities.

For instance, deputies of Ternopol Regional Council make official and public decisions containing defamatory and discriminatory accusations of the UOC religious organization – the Holy Dormition Pochayev Lavra. In fact, one of the decisions made at the council sessions pointed to the following: "…the focal centre of anti-Ukrainian activity and inter-religious conflict…– the Pochayev Lavra of Holy Dormition. Under the "canonical" guise the Ukrainian Orthodox Church of Moscow Patriarchate actually intends to russify the Ukrainian population assisting the invaders."

In July 2016 a peaceful procession was held in Ukraine – All-Ukrainian Cross Procession with over 80 thousand believers of the Ukrainian Orthodox Church participating in it. Despite a peaceful character of the religious procession, it was subject to discriminatory attacks, hate speech, forceful obstacles and other actions, including those characteristic of gravest criminal offences. The above listed urges and remarks were not at all condemned or counteracted by the state bodies, which created favorable conditions for committing offences with regard to the Cross Procession participants such as threats to damage property and inflict physical injuries6.

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1 www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016_ru.pdf

2https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?dynamic_load_id=256253&year=2015#wrappper, http://news.church.ua/2016/08/12/v-gosdepartamente-ssha-soobshhili-o-narusheniyax-prav-veruyushhix-v-ukraine/?lang=ru

3 Information message of the OSCE mission on the results of observation of the grips of churches of the UOC and other conflicts in the religious sphere in Ukraine www.potiktor.com/english

4 https://www.upr-info.org/sites/default/files/document/ukraine/session_28_-_november_2017/adf_international_upr28_ukr_e_main.pdf

5 https://www.upr-info.org/sites/default/files/document/ukraine/session_28_-_november_2017/a_hrc_wg.6_28_1.13.pdf

6 Refer to the Reply of the UOC Chancellor dated 2016: http://news.church.ua/2016/12/31/zvit-keruyuchogo-spravami-ukrajinskoji-pravoslavnoji-cerkvi-za-2016-rik/

3. Church seizures, arsons and plundering

Over the period of 2014-2017 across the territory of Ukraine there have been undertaken over 70 open assaults of worship buildings which belong to the Ukrainian Orthodox Church, mostly in Rovno, Ternopol and Volyn regions. The precise number of conflicts which have not grown into forceful seizures is not known, however, they exceed several hundred incidents. A considerable part of raids ended up with an actual takeover of temples and their further transfer into disposal by religious organizations of the Kiev Patriarchate. Another part of worship buildings remains sealed, including upon the agreement of conflicting parties or by virtue of decisions taken by local authorities.

Despite numerous facts of filing applications by the UOC communities to the law enforcement authorities on perpetration of criminal offences against these communities are not investigated.

The current situation of outspoken discrimination of the UOC and failure of the authorities to respond to overt cases of perpetrating crimes has led to a criminal upsurge relating to the UOC property. For example, in 2016 only in one Kiev eparchy the unknown persons committed acts of arson and desecration with 5 UOC temples. In October 2016 Chancellor of Sarny diocese Metropolitan Anatoly of Sarny and Polesye addressed the President of Ukraine with a request to defend UOC temples in Rovno region against desecration and assaults of vandals. In 2015 year over 20 acts of vandalism and looting were committed in Rovno region.

4. Dynamic actions of the state power bodies on discrimination of the UOC rights.

In an array of cases public authorities were openly supportive of the UOC-KP confession adherents in the conflict situations, resorting to a legal and forceful action in favor of the Kiev Patriarchate. In fact, in the wake of attempts to raid a church in Kuty village of Kremenets district of Ternopol region, Ternopol Regional Council filed a suit to the court on withdrawal of the ownership of the Ukrainian Orthodox Church community in Kuty village.

Additionally, after the beginning of the military strife in Ptichya village, Rovno region, a state body – the village council – made a decision to establish an alternate use of the church building together with the community of the Kiev Patriarchate despite the fact the UOC community had the property right to the building. After this decision had been cancelled by the court, law enforcement bodies initiated a criminal proceeding upon the risk of temple destruction by non-identified persons and applied to the court to arrest the temple building as evidence on the case. This request was satisfied by the court, as a consequence of which the temple was sealed by the law enforcement representatives with a view toprohibiting the temple owner – UOC community – to use their property. The described legal strategy was caused by the four court rulings in favor of the UOC community and arose from the local judicial branch using its authorities upon a legal address, which does not foresee the community's right to challenge a decision of local courts within the national legal system. The UOC community of Ptichya village lodged a respective complaint upon the matter with the European Court for Human Rights.

An active position was taken by the state law enforcement bodies in Katerinovka village of Ternopol region, having employed rubber truncheons and physical force toward peaceful believers who had gathered to defend their rights and 14 of whom eventually suffered bodily damage, including fractured limbs and severe head injuries. Among the aggrieved were women, elderly people and students. Upon these actions of the law enforcement authorities the prosecutor's office in Ternopol region opened a criminal case, which has not yet resulted in bringing any of the persons involved to justice.

Besides, an executive committee of Zhitomir city council "with a view to preventing clashes and conflicts between participants of civil assemblies" turned to the court having an intention to change the itinerary of the religious column of All-Ukrainian Cross Procession. The administrative court of Zhitomir resolved to decline the consideration of the legal claim of the executive committee of Zhitomir city council to Zhitomir UOC diocese on restrictions of the Cross Procession7.

7 http://rian.com.ua/society/20160719/1013361891.html

22.07.2016 Borispol city council adopted a decision "On prohibition of the Cross Procession of peace of the Ukrainian Orthodox Church (Moscow Patriarchate) through Borispol city"8. Albeit this body is not empowered to restrict peaceful processions, this decision was subsequently used by the UOC opponents to create forced obstacles for the Cross Procession participants.

5. Overt calls to commit crimes against the UOC

Calls of radical groups to commit crimes against the UOC and seize its churches galvanized at the end of 2017 / early 2018. In particular, during the seizure of a church in Kolomiya village, representatives of radical organizations were calling for the persecution of believers on the basis of their affiliation to the UOC.
In 2018, radical group "C14" has committed a number of overt crimes against the believers of the UOC by:

- organizing a manifestation near the Kiev-Pechersk Lavra, during which the faithful of the UOC were publicly called "agents of the FSB and the Kremlin". The radicals also demanded to withdraw a building of the monastery from the possession of the UOC. These slogans were publicly demonstrated.
- publicly damaging the property of the Desyatinny Monastery in Kiev, destroying part of the fence of the monastery. Some unknown persons made an attempt to set the church building on fire using an incendiary mixture. The suspects of the arson were detained by the police.
- attacking the office of the Union of Orthodox Journalists, who cover in their publications the facts of human rights violations against the UOC.

In accordance with the established rules of procedure of the UN Human Rights Council, following the above mentioned violations, both individual and collective complaints were submitted by the faithful and religious organizations of the UOC for the period of 2015-2017.

In connection with what has been stated, we express our utmost concern about the situation that threatens to undermine religious peace in Ukraine. We call on the international community and responsible human rights bodies to immediately intervene into the evolving religious confrontation in Ukraine.

We strongly emphasize the real threat of massive grave crimes against the faithful and religious organizations of the UOC in Ukraine.

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8 https://www.facebook.com/permalink.php?story_fbid=943059639149596&id=715896135199282

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1808879

Please recycle

Draft laws Nos. 4128, 4511, 5309 as a threat to religious peace and a new factor of territorial destabilization in Ukraine

The present statement is submitted for the second time to the United Nations Human Rights Council in order to draw its attention to the threat of breaking religious peace, which is still existent due to the fact that the draft laws Nos. 4128, 4511, 5309 are still under consideration by the Parliament of Ukraine. We urge the UN Human Rights Council to pay careful attention to this extremely important issue and take it under consideration as soon as possible.

1. Summary of violations of the UOC rights

In accordance with the Statement of Bishop Victor (Kotsaba), Head of Representative Office of the Ukrainian Orthodox Church to International Organizations at the OSCE Meeting, 22-23 June 2017, Vienna,1 "In the period of 2015-2017, 45 temples – religious buildings owned by the UOC religious communities – were subject to raiding, while over 100 temples appeared under threat of such seizures. Officers of the police units, abusing their power, resorted to assault and battery toward our believers in the villages of Ptycha and Katerynivka of Ternopil region, having inflicted severe injuries on elderly people and women. Many religious buildings remain sealed by the authorities up to the present day. Such violent actions are carried out by members of radical organizations with the participation of interested religious confessions, with connivance – and sometimes even direct support – of local authorities".

2. Draft laws restricting rights of religious organizations of the UOC and establishing additional obligations for religious organizations of this denomination

During the year of 2016, three draft laws (## 4128, 4511, and 5309) were submitted to the Verkhovna Rada of Ukraine, which foresee an introduction of a number of additional obligations for religious organizations of the UOC confession. At the same time similar obligations are not envisioned for other confessions. In particular, draft law #4511 stipulates an obligation of the UOC religious communities to draw up individual agreements with state bodies, as well as to receive a permit to elect (appoint) diocesan administrative staff. Bill #5309 binds religious organizations of the UOC to include references on "affiliation to the aggressor state" into their title. Draft law # 4128 unreasonably and in violation of the international law norms establishes the rights of residents of a particular populated area to administer communities within their populated areas irrespective of whether these persons are members of the community's administrative body. The above draft laws are geared at the discriminatory restriction of the UOC in the enjoyment of its rights and if adopted – will bear witness to the ungrounded intrusion of the state into the internal administrative mechanism of religious organization, leading de-facto to the legal obstruction of activities of the UOC religious organizations.2

In particular, as the Head of Representative Office of the Ukrainian Orthodox Church to International Organizations Bishop Victor Kotsaba said at the OSCE meeting: "I want to draw particular attention to the preparation of draft laws Nos. 4128, 4511, 5309, submitted to the Verkhovna Rada of Ukraine, which are discriminatory in relation to the Ukrainian Orthodox Church. Thus, some politicians want to impose a special status on our denomination, oblige it to change the name and sign special agreements with state bodies. The appointment of priests is also supposed to be approved by the relevant state structures. At the same time, the obligation is not prescribed for other confessions. Such

1 http://www.osce.org/odihr/325191?download=true
2 https://www.protiktor.com/english/

rules did not exist even in the times of the USSR, whose authorities used to put a systematic but unofficial pressure on the Church. In view of the above, on May 18, 2017, a prayerful standing, which counted thousands of believers, was held near the Parliament in Kiev against the adoption of these laws. Concerns about the probable adoption of such laws were expressed by the World Council of Churches, several Autocephalous Orthodox Churches (Alexandria, Bulgaria, Czech Lands and Slovakia), as well as the State Secretariat of the Vatican. Nevertheless, these bills are still on the agenda of the Ukrainian Parliament."

3. Non-compliance of draft law 4128 with international law

Bill No. 4128 foresees that persons who were not admitted to the community, but who decided to identify themselves with this community, receive the right to vote at a general meeting of the religious community.

Thus, according to the draft law, the provisions of the statutes of religious organizations that provide for membership in the community being obtained only on the basis of an application and establishing the need for approval of membership by a decision of the general meeting of the community members become invalid.

At the same time, standards of the international law establish an obligation of the state to ensure internal guidelines and norms of the religious right as a part of freedom to the freedom of religion. For this reason individuals who observe their religious guidelines can enjoy an unquestionable right to accept or not accept other persons to become members of their religious group, and independently define if these new comers are in line with the criteria enshrined by whatever religious doctrine.

There are no doubts that the person who does not conform to certain rules of religious life, which are deemed fundamental by the certain religious organization, can be not only non-admitted to membership of this religious group but also excluded from it. In fact, the European Court of Human Rights in the case Obst vs. Germany (№ 425/03), by the chamber resolution of 23.09.2010, declined a complaint of the applicant – member of the Mormon religious organization who had been made redundant in this organization and excluded from the community's membership due to the fact of his conjugal infidelity. The court admitted that the claimant, who had been raised in the Mormon environment, had to be aware of the importance of faithfulness in marriage and inappropriateness of misconduct under the regulations of this organization.

It's noteworthy, the European Court of Human Rights laid down some legal provisions which are not to be changed even by virtue of adopting the draft law under consideration. In particular, under the ECHR's decision dated 14.06.2007 in the case "Saint Michael parish against Ukraine", it is stated (para 146-147): "Contrary to the conclusions of national courts, articles 7 and 8 of the Law, it was not enshrined that a religious group shall consist of all individuals and all believers who attend worship services of a particular church… article 8 of the Law (987-12) in no way restricts or hampers a religious organization to determine on its own choice in which way it will decide to enroll new members, define the membership criteria and election procedure for the administrative bodies. From the standpoint of article 9 of the Convention (995_004), taken together with article 11, these were the decisions being in the private law plane and not being subject to interference from the state power bodies unless they violate rights of other individuals or fall under restrictions specified in para 2 of articles 9 and 11 of the Convention. In other words, the state cannot commit a legally existing private association to accept new members and exclude the elected ones. Intrusion of such kind will definitely enter into collision with the freedom of religious associations to freely regulate their behavior and handle their matters.

Conclusion: the right to self-identification of a person as a ground for his/her being enrolled as a member of the religious community and his/her being invested simultaneously with powers of the administrative body of the religious community appears as a violation of the international legal principle of autonomy of religious organizations and non-interference of the state into internal activity of denominations to be regulated solely by their internal rules and guidelines.

Therefore, the proposal of the draft law makers that persons can become members of the religious community merely by virtue of self-identification does not comply with the provision, defined in the International Law and enshrined in the above mentioned decision of the European Court of Human Rights.

Given the extreme tension as regards the religious situation in Ukraine, which exacerbated in 2018 due to numerous forceful confrontations and acts of violence against the Ukrainian Orthodox Church and its believers, we call on the international community to make every effort in order to prevent the Ukrainian Parliament from the adoption of the aforesaid bills.

United Nations A/HRC/38/NGO/16

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Thirty-eighth session
18 June-6 July 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 May 2018]

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1808880

Please recycle

Human Rights Violations of Syrian Children

Violations of the human rights of children in the Syrian Arab Republic

Submitted to: thirty-eight sessions of the Human Rights Council.

Submitted by: Maat for Peace, Development and Human Rights Association. (in consultative status with the Economic and Social Council of the United Nations).

Date: May 2018.

Regarded On Item 4: Summary report of the high-level panel discussion on violations of the human rights of children in the Syrian Arab Republic, held at the thirty-seventh session (Human Rights Council resolution 36/20)

Preface

Maat for Peace, Development and Human Rights Association (Egypt) is progressing with this report on clarifying and monitoring violations of the human rights of children in the Syrian Arab Republic, in accordance with the fourth item, on human rights situations that require the Council's attention.

In this regard, we will review the violations committed by the armed groups, the Syrian government and the forces loyal to them in flagrant of the rights of Syrian children, as well as violations of the rights of the Child by Turkey during its military interventions in Syria, and we will address the negative interventions made by The international coalition and its impact on the children of Syria, and finally the recommendations made by us to the Council.

Violations against children by armed groups in Syria

According to UNICEF statistics, as well as the testimonies of a number of local organizations and local activists, in 2017 there was considerable suffering for children by the practices of armed groups supported by regional forces, where the phenomenon of the recruitment and use of children in military operations has proliferated, 300 children were employed and recruited at 12 years of age, 851 cases were investigated by armed groups, and at least 37 children were killed and other 27 children were injured, the Free Syrian Army faction and Islamic groups are the most vulnerable groups to have carried out these inhuman practices, and children have been denied because of their alleged relation with armed groups, some as many as 10 years old, seven have been executed, and 17 children have been missing since early 2017.

There is ample evidence that the armed groups that controlled the Raqqa area used children as human shields, killing dozens of children and use of the rest as hostages in the face of the regular forces, which has caused constant maiming, wounds and suffering to thousands of children, as well as injuries. As a result of the firing of mortar shells and rocket attacks by armed groups, and those violations made more than 40,000 children trapped in the line of fire in the city of Raqqa, and the fighting led to the displacement of about 80,000 children.

Violations carried out by the Syrian government and its loyal forces

The Turkish army launched hundreds of attacks on the Syrian town of Afrin, killing around 35 children and injuring 100 others, causing these indiscriminate attacks have deprived children of health and education services, and many schools and public parks have been targeted, resulting in the killing of children, and the Turkish army has also committed atrocities against some families.

According to Human Rights Watch, the Turkish armed forces also carried out three attacks in northwest Syria in late January 2018, which killed 17 children, and 4 munitions were thrown into an air raid on a group of tents, killing five children, and since the beginning of 2017, Turkish security forces oppose asylum-seekers on daily basis, throw fire at them, causing the death of five children and injuring 18 others, as well as the inhumane treatment to which they and their relatives are subjected during their asylum applications.

Negative impact of international alliance interventions on children in Syria

The United States-led international coalition has been negatively involved in the Syrian matter, according to the Syrian Human Rights Network and other local sources the coalition's interventions resulted in the death of some 2,200 civilians, including some 650 children, and artillery attacks destroyed more than 147 civilian vital centres, including hospitals and schools, in addition to the killing of 308 children during the battle of Raqqa by the Allied Forces.

Recommendations

- To end the blockade and to ensure immediate and timely access and delivery of humanitarian assistance to children in all besieged areas.
- The international community should move its mechanisms to end violations by armed groups against civilians, especially children, and to deter states that support armed militias in Syria.
- Holding the Turkish government accountable for war crimes against Syrian children without justification and the need to impose international sanctions on them as a means of exerting pressure to end their military interventions in Syria.
- Review the interventions of the international alliance to ensure that children are not harmed by the implementation of air strikes and assure that their operations are limited to fighting ISIL.
- International intervention is necessary for the protection of refugee or fleeing children to neighbouring States, ensuring that they are not killed or treated inhumanely, and that mechanisms are put in place to prevent their displacement or their deposition from education in host States.

United Nations A/HRC/38/NGO/17

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Agenda item 10
Technical assistance and capacity-building

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 May 2018]

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Please recycle

Strengthening technical cooperation and capacity-building in the field of human rights related to the achievement of sustainable development goals

Preface

Since the drafting of the Universal Declaration of Human Rights, the UN has emphasized on the importance of promoting and protecting human rights worldwide, in accordance with rules and principles of public international law and international human rights law, and on that basis; the UN established its program of cooperation in the field of human rights since 1955 to assist States in building and strengthening their national structures that have a direct impact on the general observance of human rights and the maintenance of the rule of law. In order to avail itself of the UN Program of technical cooperation in the field of human rights, the Government must submit a request for such assistance to the secretariat and that conduct an assessment of the human rights needs of States and are usually evaluated when there is a realistic presence of the OHCHR on the ground or through a mission to states1 .

Capacity-building is defined as the process of developing the skills, talents, capacities, and resources needed by organizations and communities, capacity-building is linked to goal 17 of the sustainable Development Goals 2030, targeting capacity-building and increasing technology and innovation in the least developed countries. Goal 17 is based primarily on the need for partnerships between national governments, the private sector and civil society, which are built on common norms, values, vision and goals2 .

The UN technical Cooperation Programme focuses on the incorporation of international human rights standards into relevant national laws and legislation; build and strengthen national institutions that are capable of promoting human rights and consolidating and protecting the principles of democracy within the framework of the rule of law, To incorporate the promotion of human rights into a national plan or strategy and to increase awareness of educational and training programmes, workshops and seminars provide scholarships, provide information and documentation and make a comprehensive assessment of local national human rights' needs.

Technical cooperation is one of the major activities of the OHCHR, through which it makes a contribution to a number of areas as the realization of the right to development and international cooperation in finding solutions to problems of an economic, social and cultural character, as well as respect for the human rights and fundamental freedoms for all. The UN emphasizes that technical assistance and cooperation is an intrinsic activity in the area of human rights monitoring and not an alternative activity as provided for in GA/RES. 48/141. It also emphasizes that the provision of advisory services and technical assistance does not diminish the responsibility of Governments to clarify and proclaim the situation of human rights on their territories through monitoring and conducting the necessary investigations to ensure the protection of human rights in accordance with the measures adopted by the UN. The actions taken by the special procedures of the Human Rights Council are often carried out in parallel with programs that include advisory services and technical assistance 3 .

Role of the Human Rights Council in promoting technical cooperation and capacity-building

The resolutions adopted by the Human Rights Council at its successive sessions emphasize the importance of technical cooperation in the promotion of human rights and the implementation of the sustainable development agenda 2030, during the 36th session, on 29 September 2017, the Human Rights Council adopted, without a vote, A/HRC/RES/36/28, which dealt with the role of UN bodies and mechanisms to promote and harmonize capacity-building efforts with the needs of States and their national policies, including the promotion of policy coherence in the implementation of all their obligations and development goals under international human rights law, and the resolution emphasized that one of the responsibilities of the High Commissioner was to provide advisory services, technical and financial assistance at the request of the interested state with a view to supporting programs for the promotion of human rights both at the level of

1 - https://goo.gl/fLF7Et

SDGs, https://goo.gl/mXg6Qw -2

3 - https://goo.gl/5u2fHh

states requesting assistance or the promotion of human rights within the UN system for the promotion of human rights in accordance with the mandate of the OHCHR, which has confirmed a number of points- as follows:

1. The basis for technical cooperation and capacity-building in the field of human rights is on the consultation with and formulation of the States concerned in accordance with their needs in the context of the universality, indivisibility and interdependence of human rights.

2. The promotion of human rights and the sustainable development agenda 2030 mutually reinforce each other.

3. Technical cooperation should continue to be a universal and inclusive exercise involving all national stakeholders, including government agencies, national human rights institutions and civil society.

4. The resolution invited both the High Commissioner and the Chairman of the Board of Trustees of the UN Trust Fund to submit comprehensive reports on the overall review of efforts made in technical assistance, capacity-building, best practices and challenges related to these efforts at the 37th session of the Human Rights Council.

5. Emphasized the important role that technical cooperation and capacity-building can play in the prevention of human rights violations and enhancing the credibility and effectiveness of the HR Council therefore, technical cooperation and the provision of human rights-related technical assistance and sustainable development goals could achieve maximum possible impact on the ground.

The role of technical cooperation and capacity-building in halting violations

The technical cooperation that is provided despite its importance in facilitating the legal and legislative reforms adopted by States for the promotion of the rights human rights and to work to incorporate the principles and link them with the goals of sustainable development, but it has not yet achieved the desired goal, for example, to find that despite the assistance provided by the OHCHR for Myanmar in the legal and constitutional amendments and the support provided for the training of government officials, parliamentarians and civil society in 2011. This resulted in the adoption of the Myanmar National Human Rights Commission Act 2014. However, that technical assistance provided by OHCHR in the area of human rights did not prevent practices and violations by Government in Myanmar against the Rohinga minority, where the Government has committed all violations against this minority and therefore technical assistance has not assisted the Government of Myanmar in Promotion of human rights.

Thus, it be noted that, despite successful attempts to provide technical support and capacity-building to States, this is not sufficient to achieve the desired progress in the promotion of human rights, especially as there is no mechanism for the enforcement of sanctions against States that commit gross violations of human rights. Consequently, States and groups continue to perpetrate such violations with impunity.

Also, the technical assistance provided to some poor countries could not be achieved in order to eradicate the extreme poverty suffered by these countries, for example, the Human Rights Section of the UN Stabilization Mission in Haiti in cooperation with the Ministry of Human Rights and the fight against extreme poverty presented advice on the drafting of terms of jurisdictions and Action plan (2013-2016) of the International Development Committee, which included detailed steps towards the ratification of human rights instruments, and sup, orted the government with regard to signing of the Convention against Torture and Other Cruel, inhuman or degrading treatment or punishment in August 2013 and to join the International Tribunal.

Nevertheless, the island of Haiti continues to suffer from rampant humanitarian crises and the associated obstruction of the implementation of the SDGs, where, for example, Goal 3 of sustainable and health-related

development goals and associated eradication of epidemics and chronic diseases the State has not been able to achieve, especially under Cholera outbreak on the island there is a 90% decrease in the incidence of infections in 2010. The Government on the island of Haiti has not been able to neither provide adequate housing or to ensure the promotion of human rights.

Also, the lack of an effective mechanism is futile in the absence of the right to enforce sanctions against violators of the human rights.
The technical assistance provided to many States to promote peace and stability in areas of unrest and conflict has also been unable to achieve the desired transitional goals, especially as they were not sufficiently efficient to deal with threats to the peace modern security and technology.

Recommendations

• To establish an effective mechanism to monitor the extent to which States have benefited from the technical assistance provided to them, in particular in the incorporation of human rights principles in legislative and constitutional reforms.

- As far as possible, the technical assistance provided to States should be in accordance with their internal conditions to effectively implement and benefit from such assistance.
    - The need for concerted international efforts and cooperation to assist States with chronic problems such as poverty and the spread of certain types of epidemics.

    - States shall meet their financial obligations so that the technical cooperation programme can carry out the tasks entrusted to it.

United Nations A/HRC/38/NGO/18

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Technical assistance and capacity-building

Written statement* submitted by the Maat for Peace, Development and Human Rights Association, a non-governmental organization in special consultative status

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[21 May 2018]

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Please recycle

HRC Role in the implementation of the Sustainable Development Goals

The role of the Human Rights Council in the implementation of the Sustainable Development goals

Submitted to: Human Rights Council, 38th session.
Submitted by: Maat for Peace, Development and Human Rights Association. (in consultative status with the Economic and Social Council of the United Nations)
Date: June 2018.
Provided on: Item 10: Report of the Office of the United Nations High Commissioner for Human Rights on support to United Nations human rights mechanisms and United Nations country teams in the implementation of the 2030

Preface
The entire sustainable development strategy 2030 contains references to human rights, with explicit recognition that implementation must remain consistent with and contribute to the achievement of relevant international norms and obligations. The 17 Sustainable Development goals and their 169 targets reflect human rights standards directly or indirectly, integrating overarching principles of human rights such as participation, accountability and non-discrimination, taking into account the specific challenges and circumstances of each State and therefore Sustainable development strategy 2030 has a major impact on the enjoyment of human rights in all countries of the world if it is properly implemented.

General content of sustainable development goals
The sustainable Development Goals 2030 are based on economic and social rights, with the aim of eradicating poverty (goal 1) and hunger (Goal 2) and ensuring access to health care (goal 3), education (Goal 4), water and sanitation (goal 6), as well as employment and work (eighth objective). The sixteenth objective is also aimed at achieving peaceful and inclusive societies, access to justice and the creation of inclusive and accountable institutions that reflect a range of civil and political Rights.
The eradication of poverty and inequality and the achievement of human dignity are among the key objectives of the sustainable development agenda 2030 and the commitment to leave no one behind and reach those in the rear first, it is a commitment to the principles of human rights, equality and non-discrimination. These principles are promoted through the autonomous objectives of reducing inequality within and among States (goal 10) and achieving equality gender (goal 5) also includes explicit references to indigenous peoples, persons with disabilities, children, migrants and other rights holders Including Afro-descendant communities in the Americas.
It can therefore be said that international mechanisms, bodies and charters provide an important framework for the implementation of sustainable development goals where it contributes to the realization of human rights, indicating that international and regional human rights mechanisms can be used, including; the Human Rights Council, the special procedures, the universal periodic review and the treaty bodies, as well as the supervisory bodies of the International Labour Organization to assess and guide the implementation of the sustainable Development goals.

Assessment of the role of the Human Rights Council in the implementation of the Sustainable Development goals

Maat Foundation points out that the role of the Human Rights Council in supporting sustainable development goals needs to be more prominent than the current situation. As the Council must directs all its mechanisms towards prioritizing the sustainable development agenda and contributes to the development of effective tools for measurement, follow-up and evaluation.
The foundation considers that some of the mechanisms emanating from the Council are trying to play an effective role in this direction, perhaps the most prominent mechanism is the universal periodic review, where the human rights situation in all States Members of the United Nations is reviewed every four and a half years. The outcome of each review is issued in a final report containing all the recommendations accepted by the State under review to be implemented prior to the next review cycle. It provides an opportunity for all States to publicize the actions they have

taken to improve their human rights situations and the actions they are taking to overcome challenges faced through the participation of the review in international experiences and ensuring the promotion, respect and protection of human rights, which intersect with the goals of the sustainable development strategy.

Through the universal periodic review and the reports submitted by special rapporteurs, the Human Rights Council was following the action taken by States to eliminate on poverty and hunger as well as elimination of discrimination in all its forms, in particular discrimination against women, measures taken by States to provide adequate housing and employment Development, which provides human beings with a decent life, also takes legislative action and actual practices on the ground in order to eliminate all forms of violence against women and the compatibility of counter-terrorism measures with general principles of human rights, the establishment of peace and equal access to justice for all.

However, despite the progress made by many countries in implementing the sustainable development goals, in particular the eradication of poverty and the improvement of health standards, eradication of epidemics and chronic diseases the final report of the United Nations 2017 on the progress of development goals Sustainable 2030 has made it clear that there are many shortcomings where we find:

-Although nearly 1 billion people have emerged from extreme poverty, poverty rates are still high in many countries, especially sub-Saharan African States, where half of the world's poverty live, especially in the context of the proliferation of armed conflicts that exacerbate poverty.

-Gender inequality, violence and discrimination against women continue to register high rates in many countries of the world, for example twenty-one percent of women between the ages of 20 and 24 are married before the age of 18 in South Asia and sub-Saharan Africa, according to the statistics for the year 2015.

-Climate and global warming issues are a real challenge to the environmental dimension of the 2030 Sustainable Development goals, especially as many countries are unable to meet their climate commitments.

-Progress in the promotion of justice, peace and equal access to justice has continued to vary within States and improvements in the enjoyment of better access by people in many States. The proliferation of armed conflicts in a number of regions around the world and the intensification of violence have led to further poverty and hunger, which has adversely affected the enjoyment of human rights 1 .

On the other hand, the rest of the human rights protection mechanisms are still less attentive and integrated into the issues of sustainable development in their work, in particular the human rights treaty bodies, and the Council did not adopt the sufficient number of resolutions and frameworks necessary to ensure that the issue of sustainable development goals is integrated and supported through its mechanisms.

Recommendations

• Adopt the decisions necessary to ensure that the various human rights bodies are committed to addressing sustainable development issues in a systematic, institutionalized and sustained manner.

• Placing the sustainable development goals and their relationship to human rights as a separate item within the regular sessions of the Human Rights Council.

• The Human Rights Council should actively follow up on States ' commitments to implement the goals of the sustainable development agenda 2030, particularly with regard to the commitments of developed countries to allocate 0.7% of their national income to development assistance to the poorer countries.

• Activating the mechanisms for the eradication of poverty and hunger, as it is the basis for the effective implementation of the objectives of sustainable development.

• Provide an effective benchmark for measuring progress in the implementation of recommendations made to States with regard to the promotion and protection of human rights and the associated implementation of the goals of the Sustainable Development Strategy 2030.

Sustainable Development Goals reports 2030, United Nations, https://sustainabledevelopment.un.org/sdg3#1-

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Human rights situations that require the Council's attention

Written statement* submitted by the public organization "Public Advocacy", a non-governmental organization in special consultative status

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Please recycle

On the religion-based violations against the Ecumenical Patriarchate and Orthodox Christian communities in Turkey

For years the Ecumenical Patriarchate has been suffering discriminatory practices that fall into three broad categories:

- legal status denial accompanied by property confiscation;
- the Halki Theological School closure;
- Interference into Ecumenical Patriarch election process.

According to the United States Commission on International Religious Freedom 2018 Annual Report "In 2017, the state of religious freedom in Turkey worsened. Proposed changes in the educational curriculum, an increase in government funding solely for Sunni mosques, and a lack of movement with respect to legal status and registration for non-Muslim communities have led Turkey on a downward trend. Turkey's longstanding strict secularization prevents religious communities—including Sunni Muslims—from obtaining full legal status; that being said, members of different faith groups do have their own private schools, places of worship, foundations, and media organizations. The majority of the other longstanding religious freedom concerns remain unresolved, including the return of expropriated minority properties, the delay in providing dual citizenship to Greek Orthodox Metropolitans so they can participate in the church's Holy Synod, and equal funding for religious minority community buildings from the public budget"1.

Legal status denial accompanied by property confiscation

Although the government of Turkey has promised to apply equitable policy principles in terms of the conversion of historic Christian sites into mosques, so far it has been remained to be only a promise. The 20th century in Turkrey has been marked by a series of government acts aimed at property confiscation and destruction. Various government decrees and confiscation taxes were imposed on the properties belonging to the Ecumenical Patriarchate and its Orthodox Christian communities. According to the statement of the Order of Saint Andrew made at 2017 Human Dimension Implementation Meeting, in 1936 the Ecumenical Patriarchate owned up to 8,000 properties with only 2,000 remaining in 1998. In 2017 the number of properties owned by the Ecumenical Patriarchate reached some 500.

In 2008 the European Court of Human Rights ruled that the Pringipos Orphanage property on Buyukada Island is to be returned to the Ecumenical Patriarchate2. In 2009 another decision was made that the property which had once belonged to the Koimisis Theotokou Church Foundation on Tenedos Island (Boscada) is to be transferred to its historical owner. According to the Court ruling, Turkish government authorities violated Article I, Protocol I (protection of property) of the European Convention of Human Rights. Unfortunately, the Government's promise, made after the said Court's rulings, to return confiscated property was not fulfilled.

Moreover, the few properties that were returned have two problems. Firstly, these properties do not produce income, making it difficult to maintain them. Secondly, the government authorities keep delaying the election of minority foundation board members, that hampers the properties effective management. According to Turkish legislation, clergy are not allowed to serve as minority foundation board members. Only citizens living adjacent to a property may be entitled to perform this function.

The primary reason hampering the return of property is that the Ecumenical Patriarchate and other religious institutions have no legal standing in the country. The Ecumenical Patriarchate communities are not entitled to own the churches in which they worship and the cemeteries in which they are buried. The lacks legal personality prevents the Ecumenical Patriarchate from effective management of its property, that may lead to confiscations by the Government under the pretext that a commercial building or a church is abandoned and, thus, should be seized without compensation.

According to the 1935 Law on Religious Foundations, all church properties shall be owned by government-denominated minority foundations under the jurisdiction of the General Directorate of Foundations. The GDF has the right to seize a minority foundation if it considers that the foundation has no charitable or practical use. Since 1970, the GDF has seized 17 Greek Orthodox foundations, thus confiscating about 1,000 properties. Some of these properties

1 http://www.uscirf.gov/sites/default/files/USCIRFAnnualReport2018_wlinks.pdf

2 https://www.echr.coe.int/Pages/home.aspx?p=hearings&w=1434005_27112007&language=lang

were income-producing for the Ecumenical Patriarchate. Moreover, the GDF may also prevent the elections of foundation boards. The Turkish Government so far has denied to the Ecumenical Patriarchate any means of financial support, although it has subscribed to the 1923 Treaty of Lausanne, entitling minorities "to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein"3.

The Halki Theological School closure

Another instance of discrimination is the closure of Halki School of Theology. The school was founded in 1844 and in 1971 it was not allowed to admit new students. For years, the Ecumenical Patriarch has made urgent petitions to allow the reopening of Halki School of Theology, receiving only promises by Turkish officials in response. Presidents of the United States of America, U.S. Secretaries of State, European Union officials, and a number of international bodies have also urged the Government of Turkey to allow the reopening of the School. Moreover, Ecumenical Patriarch Bartholomew has many times met with high ranking officials and President Erdoğan and discussed this issue. The President of the Directorate of Religious Affairs, Mehmet Gormez, in 2012 publicly supported the reopening of the School when he met with the Patriarch.

In spite of all the promises and petitions, the Halki Theological School is still closed. The United States Commission on International Religious Freedom 2018 Annual Report states: "Reopening Halki Seminary and returning properties to religious minority groups are issues that remain of keen interest to the United States"4.

Interference in Ecumenical Patriarch election process

In 1923 and 1970 the Governors of Istanbul issued decrees requiring that the Ecumenical Patriarch and the voting hierarchs must have Turkish citizenship. However, according to the canons of the Orthodox Church, the Ecumenical Patriarch can be elected from among all hierarchs of the Ecumenical Patriarchate all over the world, but not just those who have Turkish citizenship. "The Turkish government continued to dictate that only Turkish citizens can be members of the Ecumenical Patriarchate's Holy Synod, which elects the community's Patriarch. Since 2010, however, only 30 foreign Metropolitans have been approved for dual citizenship, which the community contends is unreasonable interference with the internal election process of the Patriarchate"5, states the United States Commission on International Religious Freedom 2018 Annual Report.

Historic Christian Sites

Since 1934, the majority of historic Christian sites in Turkey have had the status of museums and were open to the public. However, in 2012 the church of Saint Sophia in Nicaea was transferred from a museum to a mosque, although there are numerous mosques in the neighborhood for the local Muslim population. The same decision was made by the Government in terms of Saint Sophia in Trabzon. In 2014 Saint Sophia at Eraclea (Eregli) was converted into a mosque in the same manner. As U.S. Religious Freedom 2018 Annual Report sets forth: "For several years, the Christian community in Turkey and beyond has raised concerns about a potential change in the status of the historic Hagia Sophia in Istanbul. Despite the Hagia Sophia's legal status as a museum since 1935, some Muslims—including Turkish parliamentarians—have called for it to be opened as a mosque… U.S. officials have highlighted the need to keep the Hagia Sophia as a museum, emphasizing its importance as a symbol of coexistence between religions"6.

Recommendations

We urge the Government of Turkey to:

1. facilitate the process of recovering all the seized property in a fair and expeditious manner;
2. enable election of Orthodox Christians as board members of minority foundations so that all the minority foundations are able to manage their returned property effectively;
3. allow the reopening of the Halki School of Theology;

3 http://www.mfa.gov.tr/lausanne-peace-treaty-part-i_-political-clauses.en.mfa
4 http://www.uscirf.gov/sites/default/files/USCIRFAnnualReport2018_wlinks.pdf
5 http://www.uscirf.gov/sites/default/files/USCIRFAnnualReport2018_wlinks.pdf
6 http://www.uscirf.gov/sites/default/files/USCIRFAnnualReport2018_wlinks.pdf

4. stop interfering in the internal affairs of the Ecumenical Patriarchate and rescind the 1923 and 1970 Directives of the local Istanbul Government demanding Turkish citizenship in order to have the right to vote for, or be elected as, a new Ecumenical Patriarch;
5. stop changing the status of historic Christian sites from museums to mosques. Such policy hampers harmonious co-existence of religious communities.

Taking into account what has been set forth above, we urge United Nations Human Rights Council to consider the said facts and take effective actions to protect the rights of worshippers and religious communities of the Ecumenical Patriarchate.

United Nations A/HRC/38/NGO/20

General Assembly

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Human Rights Council
Thirty-eighth session
18 June-6 July 2018
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the European Centre for Law and Justice / Centre Européen pour le Droit et la Justice, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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REQUESTING U.N. ASSIST IN THE RELEASE OF AMERICAN CITIZEN PASTOR ANDREW BRUNSON FROM WRONGFUL DETENTION AND IMPRISONMENT IN TURKEY

1. INTRODUCTION

One of the principle aims of the United Nations (U.N.), as expressed in the preamble of the 1945 United Nations Charter, is 'to reaffirm faith in fundamental human rights [and] in the dignity and worth of the human person'1. It is for this reason that the United Nations Human Rights Council (UNHRC) holds member states accountable for those significant violations of human dignity that run contrary to this aim.

The European Centre for Law and Justice (ECLJ), on behalf of Pastor Andrew Brunson, and over 568,000 people from 202 countries and territories who have signed a petition requesting his release, once again respectfully draws this Council's attention to the plight of Pastor Andrew Brunson, an American citizen, who has been unjustly and arbitrarily detained and imprisoned in Turkey for over a year and a half.

Pastor Brunson's ongoing trial in Turkey began on 16 April 2018. Turkey has made it clear that this is a sham trial, and, as indicated by President Erdoğan's multiple demands to swap Pastor Brunson for Fethullah Gülen, Pastor Brunson is undoubtedly a political prisoner being held as a bargaining chip for Turkey.

As a founding Member State of the U.N., Turkey is obligated to adhere to norms set forth in the U.N. Charter, such as those requiring members '[t]o achieve international cooperation . . . in promoting and encouraging respect for human rights and . . . fundamental freedoms . . . without distinction as to [inter alia] religion'2. Pastor Brunson's detention appears to be related to his work as a Christian minister. By detaining and imprisoning Pastor Brunson because of his religious expression, peaceful association, and assembly, Turkey is violating not only its obligations under the U.N. Charter, but its own Constitution, as well as Pastor Brunson's fundamental rights: freedom of religion and belief, freedom of expression, freedoms of peaceful assembly and association, as well as his right to due process and a fair trial. Therefore, these violations concern not only Turkey, but every Member State and every agency of the U.N.

2. BACKGROUND

For 23 years, Pastor Brunson worked openly in Izmir, Turkey, serving as the pastor of the Izmir Resurrection Church, within a small Protestant Christian community. On 7 October 2016, Pastor Brunson received a written summons to report with his passport to a local police station. Believing the summons was related to his routine renewal of his residence visa, Pastor Brunson promptly reported to the Izmir police only to be arrested, and later told that he was to be deported as a 'national security risk'. However, Pastor Brunson was never deported, he was instead transferred to the Harmandali Detention Centre and held for 63 days. During this time, he was denied access to an attorney and repeated requests by U.S. officials to visit Pastor Brunson were ignored, raising serious concerns.

On 9 December 2016, he was transferred to a prison facility as a suspect of alleged 'membership in an armed terrorist organization,' despite no evidence to justify the accusations against him. Turkey repeatedly denied Pastor Brunson's appeals for release, and, rather than accelerating his trial as Turkey's Prime Minister indicated they would in March 20173, no indictment was handed down until March 2018. The indictment against Pastor Brunson was 62 pages long,

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1U.N. Charter, Preamble.

2U.N. Charter art. 1, para. 3. *See also* Articles 55 and 56 of the U.N. Charter.

3Oren Dorell, *Turkish PM Considers Speeding up Trial of Jailed American Pastor*, USA TODAY (9 Mar. 2017, updated 8:14 PM), https://www.usatoday.com/story/news/world/2017/03/09/turkish-prime-minister-promises-speed-up-trial-jailed-american-pastor/98946590/.

wholly lacking in merit, and provided no evidence regarding criminal action against Pastor Brunson, but was rather replete with hearsay from secret witnesses.

On 16 April 2018, eighteen months after his imprisonment, Pastor Brunson's trial began. The first day lasted thirteen hours and was filled with video testimony of secret prosecution witnesses whose appearances and voices were disguised almost to the point of their testimony being indecipherable. At the conclusion of the first day, the 3-judge panel of Turkish judges refused to release Pastor Brunson and ordered that he be returned to the overcrowded prison where he was originally imprisoned. The judges also delayed the trial further by scheduling the next court date for *three weeks* later on 7 May 2018.

On May 7, Pastor Brunson's second day of trial lasted eleven hours, and again involved only prosecution witness testimony. Two of the seven witnesses brought by the prosecution were secret, and none of the seven witnesses testified that they had personally seen or heard Pastor Brunson do anything that would substantiate the charges against him. Their testimony was completely hearsay and conjecture. Pastor Brunson's Turkish attorney objected to the testimony of one of the witnesses against Pastor Brunson by pointing out that the witness had been convicted on 14 separate counts of fraud; however, the lead judge claimed that fact was not relevant and stated that the prosecution witnesses' statements would be taken as fact. Moreover, the lead judge has refused to allow any of the witnesses for the defence testify. According to the judge, no witness who is a suspect is allowed to testify, and he declared that the remaining witnesses have nothing relevant to say.

These actions violate Articles 9 (right to liberty and security of person), 14 (equality before the courts and tribunals), and 18 (right to freedom of thought, conscience and religion), of the International Covenant on Civil and Political Rights (ICCPR) to which Turkey is a signatory, as well as Articles 7 (equality before the law and equal protection of the law), 9 (no arbitrary arrest or detention), 10 (fair and public hearing), and 11 (presumed innocent until proved guilty) of the Universal Declaration of Human Rights (UDHR), and Article 5 (right to liberty and security of person & lawfulness of detention), and 6 (adequate time and facilities for the preparation of his defence) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).

Additionally, Articles 10 and 24 of the Constitution of the Republic of Turkey protect the rights of everyone to equality before the law 'without distinction as to . . . political opinion, philosophical belief, religion and sect'4, as do Articles 2 and 7 of the UDHR and Article 18 of the ICCPR. These rights include the freedom, 'either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching'5. Article 5 of the ECHR guarantees that no one shall be arbitrarily 'deprived of his liberty'6. Article 36 of Turkey's Constitution also protects the right to litigation 'before the courts through lawful means and procedure.' Turkey has violated all of these protections by arresting and detaining an innocent pastor in prison for over a year and a half based on the hearsay testimony of secret witnesses. Moreover, Turkey has denied Pastor Brunson the opportunity to mount an adequate defence by flippantly dismissing all defence witness testimony.

3. REQUEST

One of the hallmarks of Turkey's proud history is the respect for all faiths and the rule of law. Thus, Turkey should respectfully be reminded of its continuing obligations under its constitution as well as the ICCPR, UDHR, and ECHR to respect and value the freedom of religion and rule of law. The ECLJ urges this Council to call upon Turkey to honour its obligations. The ECLJ has been informed that the U.N. Working Group on Arbitrary Detention has begun an investigation of Pastor Brunson's case. The ECLJ is grateful for the Working Group's attention to this matter, and further requests that the U.N. continue to make every effort to ensure that Pastor Brunson is not only treated with great care, but that he is released and allowed to return home to the United States of America without injury or delay.

4CONSTITUTION OF THE REPUBLIC OF TURKEY July 23, 1995, art. 10, 24.
5ICCPR, *adopted* Dec. 16, 1966, G.A. Res. 2200A (XXI), art. 18, U.N. Doc. A/6316 (*entered into force* Mar. 23, 1976).
6ECHR, art. 6 (Nov. 4, 1950), 213 U.N.T.S. 221.

4. CONCLUSION

The U.N. has long stood to protect the human rights of all people. In intervening on behalf of Pastor Brunson, the U.N. will once again demonstrate its commitment to ensuring that freedom of religion exists for all people, regardless of their faith.